

WAKE FOREST
UNIVERSITY

School of Law

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JURIST



SERVICE TO SCHOOL AND COMMUNITY



*Inside: Pictorial
History of Law
School and
Announcement of
New Professional
Center*

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Spring '88, Volume 18 No. 2

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The *Wake Forest Jurist* is published twice yearly by the Wake Forest School of Law of Wake Forest University. Its main purpose is to inform the friends and alumni of the Law School about activities and events of interest at the Law School, of recent important decisions by the courts of North Carolina and other jurisdictions, and news of the achievements and activities of fellow alumni. In this way the *Jurist* seeks to provide a service and a meaningful link between the School of Law and its alumni. Also, the magazine shall provide a forum for the creative talents of students, faculty and its alumni and an opportunity for legal writing by them. Opinions expressed and positions advocated herein are those of the authors and do not represent official policy of the School of Law.

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The JURIST invites all interested students to participate in the Fall Issue (office located in Room 8).

COVER PHOTOS by Steve Dellinger and Ken Carlson.

Upper left: Special Olympics; Lower left: Street Law at Reynolds High School; Right: Homeless Shelter.



*Pick up your pen
and send us your news.*

*Let us hear from you!
Please take time to
fill out the enclosed
Alumni news form
and mail it today.*

The Dean's Column

"It's the times, Wilbur. They're a-changin'. Something's blowin' in the wind. Fetch me my diet pills, wouldja, hon?" (Devine as Mrs. Edna Turnblad in Hairspray).

The Law School is changing. There is indeed something blowin' in the wind. Half of our student body now comes from places other than North

"It's the times, Wilbur. They're a-changin'. Something's blowin' in the wind. Fetch me my diet pills, wouldja, hon?"

Carolina. About 160 law firms, including those from many major cities all across the country, visit the School to recruit our students for summer and permanent employment. For example, last year a firm from San Diego interviewed and hired on campus. This year two law firms from the same city are coming. Nine courses in the business and corporate law area have been added to the curriculum in three years. The continuing legal education program of the School now includes seminars in Atlanta, Washington, Orlando and Chicago. After about ten years as Dean, John Scarlett has announced his retirement for the summer of 1989. The search for a successor is beginning. The decision has been made to build a state-of-the-art professional center of signature design on the Reynolda campus to house the Schools of Law and Management. The 175,000 square foot Professional Center for the Law and Business Management Schools will be built on the east side of the campus near the entrance from University Parkway. The two Schools, although discrete, will share some facilities and, where academically sound, jointly explore common themes and concerns. Ground-breaking for the structure will occur after a national architectural design competition and construction will follow with all deliberate speed.

Do the changes that have occurred over the past five years and those now



James Taylor, Jr.

breaking at such a fast pace excite you? Or do they make you nervous? Or both? Those alumni who love and support this School—and you are a breed apart—are likely both enthusiastic and concerned. I am not surprised that many of you have indicated to me that you are indeed excited about our progress and yet at the same time you are apprehensive lest we sacrifice those fundamental qualities of the Law School that make it so special and worthy of your support.

It seems to me that a substantial part of the genius of the 440 plan is that while it is futuristic, it not only preserves the elements of a traditional Wake Forest legal education but enhances them. It fortifies the quality teaching for which the School is renowned by limiting its overall size and restricting first year class sections to 40 students. It assures that the faculty will be a blend of those skilled as teachers and those with law practice experience. The Wake Forest tradition of strong emphasis on litigation is assured by expanding competition and enlarging clinical op-

portunities for "real court" experience in state and federal trial and appellate arenas. The inclusion of ethics issues in

"After about ten years as Dean, John Scarlett has announced his retirement for the summer of 1989. The search for a successor is beginning. The decision has been made to build a state-of-the-art professional center of signature design on the Reynolda campus to house the Schools of Law and Management."

the teaching of substantive courses, the addition of special professional responsibility programs and the establishment of fellowships in public interest law are an affirmation of the School's historic commitment to and reputation for professionalism.

Although the times “they’re a changin’ ” our tenets aren’t. As we broaden our student base, we continue to assure a close faculty-student relationship and to take advantage of the latest technology for improved teaching methodology. Although we have a wider geographic sweep, we graduate a higher number of North Carolinians—as distinguished from percentage of the class—than in an earlier era. Consistent with the School’s belief in reciprocal loyalty, we have pledged to provide employment opportunity to match potential for our students. The results have been a record number of employer recruiters on campus and 94 percent of our most recent graduates were placed within six months.

The now guaranteed Professional Center housing the Schools of Law and Management offers new opportunities for a closer association between future lawyers and the business leaders of tomorrow and a sharing of common concerns. This is a first-in-the-nation concept but one that will be replicated. As corporate and business managers

have become more dependent upon their lawyers, the need to solve problems through a collaborative intellectual endeavor has grown. The Schools of Law and Management situated in a single center working together but with separate facilities and functioning as autonomous institutions, each with full control of its own destiny, should be able to advance this cooperative effort. This is a correlative of the other substantial improvements in legal education achieved through the 440 Plan.

Let me assure you that all of us involved in administration and teaching at the Law School are keenly aware of the rich heritage of this institution and of the importance of it becoming an even greater *law school*. You may be sure that as we go forward it will lose neither identity nor sense of mission. To guarantee this result we are committed to these seven undertakings in addition to the most important promise of all, namely that the promises will be kept. They are:

- To maintain a regional school of about the right size—around 440—

that will allow us to teach law in the optimum way.

- To develop and retain a faculty strong in teaching, strong in experience, and strong in current scholarly writing.
- To assure that students are taught in the substantive areas and in research through maximum use of leading edge technology.
- To continue the School’s strong emphasis on litigation through instruction, competition, and comprehensive clinical practice.
- To bridge the chasm between law and management communities by an enhanced curriculum, the sharing of resources, and collaborative instruction.
- To provide placement opportunities to our students and graduates that match their potential.
- To teach the transcendence of ethics and to inculcate in graduates the importance of doing good while doing well throughout their professional lives.



The Editor's Page



It's ironic that right when I'm about to graduate, they decide to build a new ultramodern Law School. I bet I'll receive a detailed letter explaining

the capital raising aspects of the venture shortly after graduation. In all sincerity though, I'm excited about a project that is certain to add prestige to Wake Forest Law School. Since 1894, the Law School has come a long way. Therefore, the editors felt it was appropriate and intriguing to include a pictorial history of the Law School in this issue.

Further, this issue contains a series of articles about various service projects law students become involved in. These endeavors are certainly above the call of duty and in addition to the required law school rigors. I personally congrat-

ulate the unselfish dedication and participation of these students. The editors of the *Jurist* apologize to any organizations we may have missed.

The Law School also had the honor this semester to host a visit by Lord Justice Peter Taylor, a Judge of the High Court of Justice, Queen's Bench Division in England. The editors have included in this issue the speech Lord Taylor made at Law Day. I think everyone will find the discussion of the differences in American and English law interesting.

Since the *Jurist* is *your* alumni magazine, we encourage you to return the Alumni News form and send us photographs that will be of interest to friends and alumni (no negatives required—please identify persons in the picture!)

Also, I strongly encourage faculty, students and alumni to submit legal articles that will be of interest to *Jurist* readers. Any type of legal article is

accepted with preference going to articles explaining some new area of North Carolina law. Plus, due to space constraints, we may have to edit them. The deadline for the Fall '88 issue is October 15, 1988.

My personal thanks to all editors and staff members who have worked so hard this year. I take great pride in the issues we have published this year.

A final word of thanks to our advisor, Linda Michalski, for her insightful story ideas and comments, as well as her tireless effort to help edit copy and to the administrative personnel, Carol and Mickie, who also worked very hard to compile each issue.

A personal farewell note: I have enjoyed the chance to serve the School as Editor-in-Chief of the *Jurist*. We think the *Jurist* has improved and anticipate more improvement in the future.

Good luck, Robert.

Dan Bryson



The University has come a long way since this day in the early 1950's.

Law School News and Features

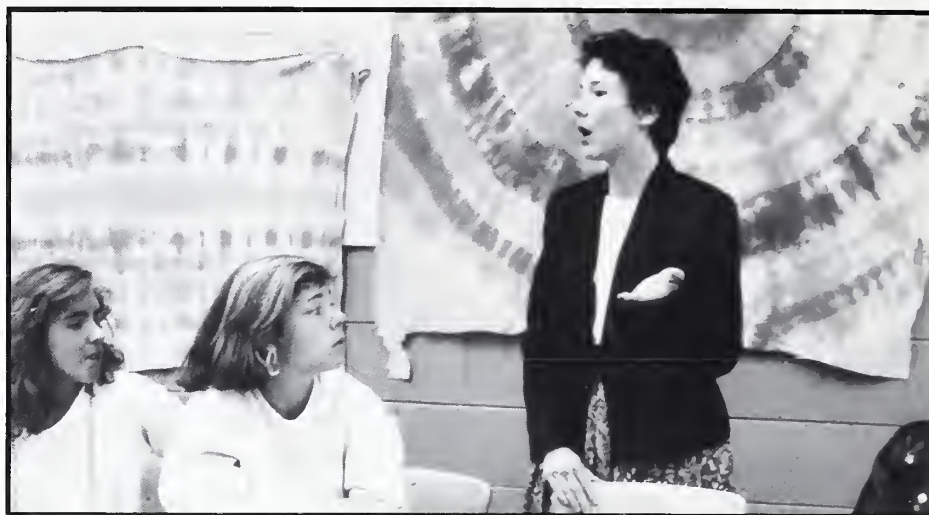
Street Law

Four high school students stood in front of the large blackboard and argued. No one had really bought a television set whose picture tube broke just weeks after purchase, but they argued anyway. The young woman playing Mrs. Tubmann, vocal wife of the calm Mr. Tubmann, even threatened the two students playing salesperson and store manager with public disclosure through the local newspaper. It didn't work. The manager held fast—no free exchange and no complimentary repair, but the store would fix the TV at cost. After all, the Tubmanns didn't buy the service warranty and shouldn't benefit from their mistake. But as Mrs. Tubmann said, they at least had the right to a good television based on its price and the store's reputation.

Stalemate resulted, but the discussion that followed was far from stale. Ideas about products and consumer rights and responsibilities were tossed about the room even before the role-players returned to their desks. It was a lively start for the pilot program of the Wake Forest Street Law Project. The person who designed the project led the discussion and credited its success to the 22 students in David Morris' government/economics class at R.J. Reynolds Senior High School in Winston-Salem.

"They were obviously interested and I think they got a lot out of the discussion," said Cheryl Capron, a second-year student from Lynchburg, VA. "If we accomplished one thing today, I hope it was showing them how to use common sense and knowledge about their rights to satisfy a complaint without having to take a case to court."

Key elements of the project are precisely that—to take a common sense approach to everyday legal issues and interpret those issues in terms of individual rights. The pilot program will run until the end of the high school academic year, with pairs of Wake Forest law students visiting Morris'



Second-year student Cheryl Capron rediscovers the challenges of getting your point across. (photo by Carlson)

classes and presenting issues of consumer law. Capron chose that topic to start the program because it's obviously pertinent to teenagers who already form one of the nation's largest consumer groups. In addition, the topic easily divided into 10 separate units that could be taught in any order: protecting rights as a consumer, taking a case to court, advertising and the consumer, deceptive sales practices, contracts, warranties, defective products, types of credit, the cost of credit, and cars and the consumer.

This fall, when the pilot program continues, other street law topics will include family law, housing, criminal law and juvenile justice, and individual rights and liberties. Adjunct Professor Deborah Parker is the faculty sponsor.

The Wake Forest Street Law Project is a joint effort of Phi Alpha Delta Law Fraternity (PAD) and the Public Interest Law Organization (PILO), both of which have long been active in volunteer projects that benefit the community. While president of PILO last fall, Capron, also a PAD member, started looking for another project in line with the ABA's new emphasis on lawyers helping improve community literacy. She talked with Associate Dean Kenneth A. Zick about taking common-sense legal matters into local high schools.

"He was delighted, because it was exactly what he wanted to do," Capron

said. Since PAD had already begun coordinating the program with Zick's encouragement, Capron enthusiastically stepped in to help.

Zick recommended a street law project of Georgetown University's Law School as a guide, and Capron started developing Wake Forest's program.

"The challenge was to create a professional project in a short period of time that volunteers could run," she said. "The structure is now there to develop this into a permanent part of the curriculum in both the Law School and the local school system if both parties like the results."

PAD has also reaffirmed its commit-



Reynold's High School students role play consumer dispute. (photo by Carlson)

ment to continue participation in the program through next year. "PAD members are excited about this program and view it as a very worthwhile law school experience. We look forward to helping coordinate expansion into other schools as well as increasing student participation in the future," says Dan Bryson, Justice of PAD.

Capron designed a student instructor's manual that includes the basic substantive law of each topic and guidelines for preparing a teacher's outline. In addition, she included general teaching methods, role-playing lessons, questions for discussion and guides for using audio-visual aids. More than a dozen students volunteered to teach and are developing outlines for topics.

"The majority of volunteers are PAD members and I-L's, and I think that's fantastic," Capron said. "It shows a commitment to the community, right in the middle of exam preparation, that's really commendable."

According to Zick, such a commitment is at the heart of why the program exists.

"This is a great opportunity for law students to take what they're learning in the classroom into immediate practical application," he said. "I also think it's very important for people to realize that we're educating law students to take leading positions in the community."

The Street Law Project is just part of a larger emphasis by the Law School to take legal education out of Carswell Hall and into society to benefit those outside the legal profession. For example, Wake Forest is already the national headquarters of the Center for Research and Development in Law-Related Education (CRADLE), a program that has received more federal funding than any other law-related education program in the country. Every year, dozens of public school teachers from across the nation come to Wake Forest for instruction in legal matters that can be passed to their own students.

But the concept of teaching legal issues in public schools goes beyond the obvious practical benefits of improved legal knowledge. Educators throughout the country are wrestling with a growing demand for teaching "values" in the classroom while honoring constitutional

strictures against religious education—the very foundation for much of society's moral and ethical norms.

"If we can't teach religion, then how do we address concerns of rights and responsibilities?" Zick said. "A number of educators believe that law-related education is one way."

Coordination with the Winston-Salem/Forsyth County School System to provide that education is crucial to the Street Law Program. Capron and Bryson found an eager participant in David Morris, a 1983 graduate of the Wake Forest School of Law. Morris teaches social studies at Reynolds High School and wants more legal instruction in secondary schools. He's especially interested in whether the pilot Street Law Project develops into a permanent arrangement between Wake Forest and the school system, a decision that could be at least a year away. If it becomes permanent, public school students would take the course for credit.

"Street law makes students realize that laws and the Constitution are not just for folks in the business world, but for them too," Morris said. "It also reminds them that they'll soon be legally responsible for everything they do."

But high school students who sit at desks in Morris' classes aren't the only ones benefitting from the project. Wake Forest law students get personal satisfaction from teaching and the challenge of reducing complex legal problems into simple language—activities that

reinforce their own studies and provide a taste of what private practice is all about.

As Capron walked around the classroom fielding questions and stretching the students' legal horizons, it was clear the project was working. She stressed how important it was to research products before buying, to inspect products for damages, to do business with reputable stores. If problems arise, she said to be courteous but firm in resolving complaints—to know your rights and responsibilities as a consumer but to recognize that businesses also have rights and obligations.

The points were simple but effective, and the young woman who played Mrs. Tubmann stopped to speak after class. She stood on the linoleum floor, less than two months from graduating into a lifetime of actually buying expensive goods like the \$500 television whose picture tube broke within weeks of purchase.

"Your class will make me think about where I'm going to spend my money and how," she said, then turned and walked towards the door.

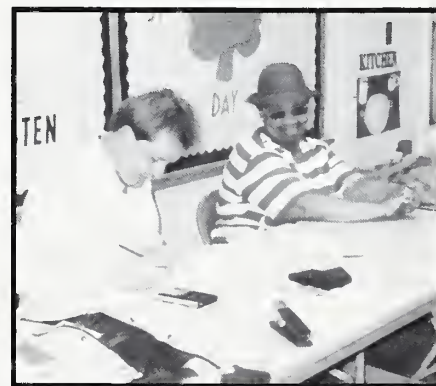
Capron smiled and gathered the street law materials before her. She briefly discussed the class with Morris, then thanked him and also walked through the door.

By Kenneth Carlson, a First-Year Student from Winston-Salem.

Students Help Prepare Tax Returns

The Volunteer Income Tax Assistance (VITA) program of the Internal Revenue Service (IRS) provides income tax counseling and tax return preparation at no cost to the recipient. The program is designed to help those who cannot afford professional tax assistance, which often costs \$50 to \$60 for even simple returns. The main beneficiaries of VITA are the poor, elderly and disabled. Nationwide in 1987,

volunteers assisted approximately 1.6 million people—and the 1988 goal is even higher. At Wake Forest University, student volunteers from the School of Law spend three to four hours every two weeks to reap great rewards by getting involved in the community.



VITA member helps prepare tax return.

According to Russ Becker, the 1988 Student Coordinator of VITA, 22 students participated in the program this year. Before actually preparing tax returns, each volunteer must be certified by the IRS. Becoming certified to complete 1040EZ, 1040A and the 1040 long form requires approximately ten hours of study and optional meetings.

Volunteering provides a sense of well-being and pride essential to a healthy attitude toward society. The cynicism ingrained in attorneys by the adversarial process melts away in the face of gratitude from clients. Volunteering also prepares the law student for *pro bono* work so vital to maintaining the reputation and standing of the profession in the community.

Though VITA must, by law, be open to anyone because it is government-sponsored, the program targets those who need it. Many VITA clients are semi-literate and thus incapable of properly preparing a tax return. Such people have limited options. They often fail to file or make serious errors resulting in penalties and interest assessments. Most clients can ill-afford the steep fees for a paid preparer.

VITA is publicized each year by placing posters at local community centers, churches and social halls. Community service announcements on the radio broaden its exposure. But perhaps the best advertising is by word-of-mouth. VITA volunteers take great pride in this work.

The error rate by WFU VITA workers is well below that of paid preparers and far less than the IRS itself. Last year, 98 percent of all returns prepared by WFU students were correct. The other 2 percent contained only minor errors such as failing to attach a W-2. So far this year the program has been error-free.

This year, for the first time, two centers were opened in Winston-Salem, each operating two nights per week. One center is housed at the Legal Aid Society on Fourth Street, while the other is at the Bethlehem Community Center at the corner of Fifth and Cleveland. According to Becker, VITA will serve even more clients this year than last.

For those who remain skeptical of the more esoteric rewards associated with the program, VITA volunteers

receive more concrete benefits as well. Each volunteer receives comprehensive training and testing in income tax preparation. In light of changes in the Tax Reform Act of 1986, being well-versed in personal income taxes directly translates into tax savings when each volunteer prepares his or her own return.

Being a VITA volunteer is a rewarding experience. The benefits are many, both personally and for the community as a whole. Wake Forest is proud of its volunteers and the spirit they share.

By Larry Gillen, a First-Year Student.

Phi Alpha Delta Law Fraternity: A Commitment To Service

While the word "fraternity" usually conjures images of parties and other social functions, Phi Alpha Delta Law Fraternity has shown there is much more to legal fraternities. Public and professional service are the fundamental principles of the fraternity.

Phi Alpha Delta, or PAD as it is



PAD member, Mike Archenbronn times a relay. (photo by Dellinger)



Special Olympics participants receive their winner's ribbons. (photo by Dellinger)

more commonly called, tries to have a good balance of both social and service events. This year, the programs and projects committees were chaired by Michaelisa Johnson and Lisa Pettyjohn under the supervision of PAD Marshall Beth Weller. Some of the events undertaken were Special Olympics participation, Crisis Control participation, Judge Bork nomination debate, Ethics Seminar with the medical, law, and business schools, and a Street Law pilot program at Reynolds High School.

For the past several years, PAD members have participated in the annual Winston-Salem Forsyth County Special Olympics. About 1,000 Special Athletes compete each year in bowling, basketball, track and field and swimming events. PAD members typically help judge and coach on the track and field day, which was held this year at the Wake Forest track.

PAD members again participated in Forsyth County's Crisis Control Program. This year PAD coordinated a food drive for the needy and contributed to the "fuel fund."

So far, the Street Law Program has been very successful and PAD has already informed the administration of expansion plans and increased participation for the Fall 1988 semester. The administration is contemplating the addition of the program into the curriculum.

On the Wake Forest campus, PAD held a Judge Bork nomination debate

in the fall that was widely attended by students and members of the community. Further, this spring, PAD sponsored an ethics seminar which engaged groups of students in contemporary interrelated legal, business and medical issues.

Phi Alpha Delta's dedication to performing worthwhile service projects and sponsoring discussions of prevailing and controversial issues has been very successful this year.

By Dan Bryson, a Third-Year Student and Editor-In-Chief of the Jurist.

Public Interest Law: Finding The Balance In Law School

While the American Bar Association debates the importance of attorney participation in public service, students at Wake Forest School of Law are taking action. Through the efforts of the Public Interest Law Organization (PILO), students have the opportunity to learn about public service through activities ranging from summer stipends in public interest law firms to hayrides with juveniles in the local detention center.

"If you don't have PILO, then there are going to be a lot of students who will not be exposed to career opportunities in the public interest field. And if they don't go into public interest law, then at least they will have been exposed to recognizing responsibilities," said Gay Maness (1L), president of PILO.

The mission of PILO is to inform law students of career opportunities in public service areas of the law. These include government service and environment as well as the traditional public defender offices. PILO has no political philosophy.

"There is a time and a place for that. But when you are just trying to help people, you don't need to have a



PILO member, Gay Maness, at Homeless Shelter. (photo by Capron)

political statement. If you are a professional, you owe a debt to the community. Politics is not involved or a motivation", Maness said.

Last spring, a PILO survey determined that law students were generally interested in public interest law careers but that very few were aware of existing opportunities. A good percentage indicated an interest in *pro bono* law, though a number of respondents did not know what *pro bono* law is. Of those who did, students mentioned concerns about loan burdens as preventing them from actively participating in *pro bono* cases.

Based upon this survey and the hard work of Cheryl Capron (2L), PILO issued a newsletter describing job opportunities in public interest law. The newsletter now comes out four times a semester. Capron also guided PILO in its implementation of the very popular brown bag lunch speaker series. Last semester, speakers described legal services, advising the Winston-Salem public safety office, laws affecting women, and public interest law in the for-profit law firm.

"The speaker programs have emphasized that you don't have to work in legal aid to do public interest law. Even if you are a corporate lawyer, there are people who have needs that need to be met," said Allison Moore (1L). A former representative selling money market instruments and handling the Federal Reserve Account for a Dallas bank, Moore said that before attending a PILO lunch, "I didn't even know what [public interest law] was." Since then, Moore has become vice-president of the organization.

PILO has been influential in promoting summer internships in public

interest law for first and second year students. According to Elizabeth Morriss (3L), her summer internship with Atlanta Legal Aid Society, Inc. brought with it special rewards. Her supervising attorney was Gary Leshaw, the attorney who negotiated the release of the hostages held by Cuban detainees in the Atlanta federal penitentiary.

"When the wives of the Cubans came in and talked, I learned the real story, not just what was in the file. The vast majority of the Cuban detainees had not committed egregious and horrible crimes. Maybe they had been picked up for possession of marijuana, or possession of firearms, but they had served their sentences and now they were being detained."

Being close to the Cuban detainee case was Morriss' "biggest high". However, it was a case of food stamps lost in the mail that may have affected Morriss the most.

"The first time I visited a client's house, it was three in the afternoon, and there were roaches climbing up the walls. She [the client] was no more than twenty-nine, I remember, because she was just a little older than I. She had ten children and she was down to the last rice of a ten-pound sack. She didn't have anything else."

Although federal law provides for emergency assistance in such cases, the client had gone ten days without the food stamps.

"Now after working this summer, I'm more aware of the issues affecting the poor," Morriss said. As a result of her summer internship, she has accepted an associate's position with the Atlanta Legal Aid Services' Senior Citizens' Law Project.

Recognizing the effect a summer

public interest law internship may have on law students, PILO petitioned the law school administration for help in developing a summer intern stipend program. Through the efforts of James Taylor, Associate Dean, External Affairs, Wake Forest led North Carolina's law schools in a successful request for funding from the Interest on Lawyers' Trust Accounts (IOLTA) Fund. The IOLTA grant is nationally recognized.

The stipend supplements income of selected law students working on North Carolina public interest projects. Wake Forest recipients show interest and a willingness to talk about their experiences when they return to law school in the fall. "We want opinion leaders," Dean Taylor said.

Next fall, PILO plans to go to the students for support of public interest work. PILO will ask students to pledge a portion of their summer income to fund an intern at a public interest law organization. Students will be able to deduct the contribution from their taxes. This plan is similar to those already operating at several law schools throughout the country.

"Because salaries are generally low in public interest careers, the PILO money is great. It can be really scary if you have \$40,000 in student loans to pay back and you have a \$15,000-a-year salary," Morriss said.

PILO has also become involved in community service at the personal level. Its members have adopted a local family, providing special meals at holidays out of funds raised through coffee sales to law students. Members also visit the LightHouse Shelter, bringing coffee, doughnuts and companionship to the 100 homeless men who live there. Some PILO members have begun to receive letters and poems from the men living there.

"It's the greatest thing I've done. Basically, this is the first time I've become real active. But if you choose to live near people who are less fortunate, you can't act like they don't exist. It makes you want to do something to help," Moore said. It was Moore who initiated the visits to the LightHouse Shelter. "PILO gave me a way to put a thought in my head into action," she added.

PILO is also working with the PHI

ALPHA DELTA law fraternity in a project to bring law into the high school class. Termed the Street Law Project, law students present topics ranging from how to get credit to one's obligations under a lease. More such joint projects with other law school organizations are planned for the future. "If you can reach students, if you can put a thought in their head, make them say 'Hey, this is going on', the better it will be," said Maness.

This year PILO will offer for the first time the Public Interest Law Service Award. This cash award will recognize the graduating law student who has made a significant public service contribution over the three years as a student.

"Our purpose is to do some good for people and interact with society. Law school tends to be an isolationist. People forget they have an opportunity to step out and do something in the community," said Moore.

By William Toole, a Second-Year Student from Winston-Salem. JD/MBA

Constitution Bicentennial Celebration Committee

Perhaps it's fitting that a group of students at Wake Forest Law School are celebrating the Constitution's bicentennial over a three-year period. Even though delegates completed and signed the document on September 17, 1787, it took three years before all the states ratified it.

According to Emerson Thompson, a 2-L from Elizabeth City, NC, that's the kind of little-known fact the Constitution Bicentennial Celebration Committee likes to talk about. The committee is a group of students who volunteer their time to write news articles and speak in public schools about our constitutional heritage.

"We want the community and students to know that lawyers are

concerned about the Constitution and our government," said Thompson, chairman of the committee. "And we want to disseminate what information we can to give them improved knowledge of both."

About 30 students formed the committee in February 1987, establishing a three-year program with a theme for each calendar year: Creation of the Constitution (1987), the Constitution and Ratification (1988), and The Future of the Constitution: A Rising or Setting Sun? (1989). Professor Rhoda Billings became faculty advisor.

Thompson wrote the Federal Bicentennial Commission for information and received packets of written material such as speeches and book excerpts. The commission also sent promotional items like pens, stickers and buttons.

"They were tickled to death we were doing this," Thompson said. The committee then organized the material and divided students into two groups: speakers and writers. The speakers started going into high schools in Winston-Salem and, when they returned home after exams, into their hometown high schools. They developed and delivered speeches on how the Constitution was created, coordinating their efforts with the local schools.

The writers wrote eight news articles on the first-year theme. For eight weeks, the Wake Forest Office of Public Information sent the articles to the Associated Press and newspapers across the state. A number of papers ran the articles, primarily weekly publications who used them as a series on the editorial page. Professor Billings wrote the first article, explaining that the delegates to the Constitutional Convention in 1787 weren't even supposed to write a Constitution. Rather, they were to amend the Articles of Confederation to create a closer relationship between the states.

"At least 10 newspapers wrote to show us they had printed the articles and to thank us," Thompson said.

For this year's theme—The Constitution and Ratification—student volunteers are also dividing into groups of writers and speakers. The process will be similar to last year, but with a different topic.

Thompson said that he spoke in several schools last year, thanks espe-

cially to the law firm he clerked for which was very generous in giving him pro bono time before the schools recessed for summer. The talks were designed for 30 minutes but easily stretched into an hour with all the questions from students. He didn't focus on details of constitutional law, such as the commerce clause, but on circumstances of the convention and the importance of the document itself.

"The one thing I asked each student to do was read the Constitution," he said. "We aren't out to teach the law. We're out to teach an appreciation for the document as the oldest, working Constitution in the world."

Thompson said that other law firms which committee volunteers clerked for last summer also cooperated in giving pro bono time. In that sense, the volunteer effort of Wake Forest law students had an even greater impact than planned. It helped bring an awareness of the Constitution to high school students and encouraged the kind of community involvement that the legal profession prides itself on—two goals the committee hopes to meet for another two years.

By Kenneth Carlson.

The Practice Of Law: Doing Good While Doing Well

The American Bar Association's Commission on Professionalism notes a serious decline in the practice of law for public interest. One reason is that law students and graduates find it increasingly difficult to do legal work for the poor due to the cost of today's legal education. Students and graduates need to seek employment largely on the basis of remuneration to finance educational costs or to repay student loans. Top academic students are being lured by high salaries offered by successful law firms. Consequently, very few

future leaders in the law are exposed in their formative law school years to representation of the disadvantaged.

At Wake Forest the Public Interest Law Organization (PILO), a student group, circulated a questionnaire with results that indicated law students had more interest in, than knowledge of, public interest law. It also revealed that many students who knew of opportunities in public interest law were not interested in them because of very low salaries. The acceptance of these jobs is economically unfeasible for many of our interested and qualified students. The Public Interest Law Organization and the Law School administration began exploring ways of increasing student participation in public interest law.

Wake Forest took the initiative last spring in formulating a proposal for a public service internship program to be funded by the North Carolina State Bar Plan for Interest on Lawyers' Trust Accounts (IOLTA). The purpose of the internship program is to give students the opportunity to work in public service and to gain a better understanding of the value of pro bono work and its importance to the community.

Once the initial proposal was developed, the IOLTA Board of Trustees, recognizing the need for such a program, asked Associate Dean James Taylor, Jr. to involve the other North Carolina law schools. The result of this joint effort was a pilot project designed to inculcate in future lawyers a sense of the professional importance and personal satisfaction involved in pro bono work while also aiding many public service organizations. Our proposal was then approved by the IOLTA Board of Trustees and the North Carolina Supreme Court, allowing the program to be in place for the summer of 1988.

The grant will enable five interested students from each law school to work in public service law for ten weeks during the summer. The program will provide the students with an invaluable experience they will carry back into the classroom and into the legal profession.

Each qualifying student will receive a stipend of \$2,000 working for an approved North Carolina public service organization. The student may earn additional wages from the public service group but not in excess of the stipend

itself. Students will be required to complete an evaluation of their experience at the end of the employment period.

Wake Forest will administer the program through the Law School Placement Office. Applicants must have completed either their first or second year of law school at the time of the award. The selection committee of Associate Dean Taylor, the Placement Director, and a student representative will award the fellowships based on the student's written application, resume, and personal interview. Commitment and leadership will weigh heavily in the selection.

The principal purpose of this fund is neither to support public interest organizations nor to reward only those students with a career goal of public service law. The majority of our students will enter law firms (71 percent from the class of 1987), rather than join public service groups. The award recipients will, however, better understand the need for pro bono service. The hope is that they will also encourage others to participate in pro bono work throughout their careers.

The IOLTA program reflects Wake Forest's commitment to providing legal counsel and representation to the poor, the aged, and otherwise disadvantaged members of our society. This fellowship program will compliment our present placement opportunities and enable our students to do good while doing well.

By Carrie Bullock, Director of Placement.



Members of the Son's of Elvis softball team display championship belt after capturing University Intramural Title.

A Pictorial History of Wake Forest Law School



1894-1902

"In previous reports your attention has been called to the advantage which would accrue from the establishment of a Law School at or in connection with the College. This now seems to be a necessity, and I hope the Board will discover some way to establish such a school . . . without spending any income of the College therefor". President Taylor's report to the Board, June 1893.

With this endorsement and a salary of \$750 per year, Professor N. Y. Gulley (M.A. 1879) began the Wake Forest College School of Law and remained its head master for forty-four years.

1903-1912

"We have had four men fail in the last seven examinations, a record unsurpassed in the state." Gulley's report to Trustees, 1907.

In little more than a decade after its opening, the School of Law was training more than 40 percent of the men licensed to practice in the state, a ratio maintained over Gulley's deanship, 1893-1935.



1913-1922

The first regular quarters, where the school remained until 1926, were in the north end of the Heck-Williams Building, a room 40'x30' with two thirds partitioned for classroom space and one third for the library.



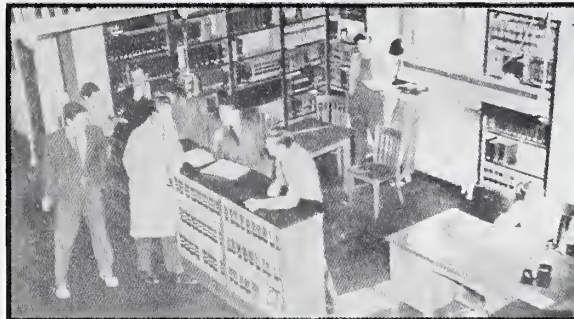
1923-1932

"It should be true that schools are made for men and not men for schools, and it does not seem wise to say that a man who has not had opportunities such as his more fortunate neighbor has, shall be cut off entirely.". Gulley's report to Trustees, May 1916.

By 1932 the faculty had grown to include E. W. Timberlake, R. B. White, R. L. McMillan, and I. Beverly Lake, all excellent teachers who practiced Dean Gulley's philosophy.

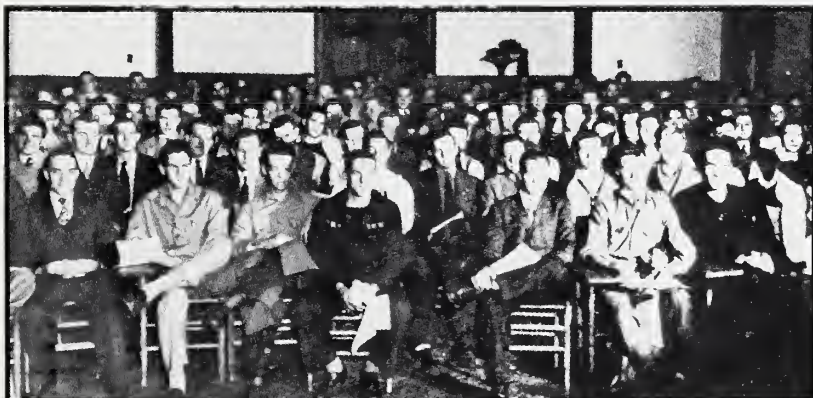


Class of 1934



1933-1942

Following Gulley's resignation of 1935, Dean Dale Foster Stansbury took over the Law School's administration. To him fell the arduous task of bringing the School to conform with the new national standards of instruction, while conserving the qualities that had made the School of great value to the State and College.



1943-1952

In response to the emergency of World War II, the Wake Forest and Duke Law Schools united in the "War-time Joint Program, 1943". Following the war, the School of Law along with the College saw its enrollment balloon with the influx of veterans. This period was highlighted by the notable deanship of Dr. Robert E. Lee during the years 1946-1950.



The determined leadership of the new dean, Carroll Weathers, and the move to Winston-Salem in 1956 dominated the decade. The generosity and sacrifices of lawyer alumni and friends provided the Law School with its own building, and a new era began.



1953-1962



1957 Faculty

1963-1976

With the guidance of Dean Weathers and a devoted faculty, the School reached new heights in national prominence. In 1970, Dean Pasco Bowman took over the reins of leadership. In 1971 lawyer alumni and friends responded to the great need for expanded facilities and endowment by giving over \$750,000, thus allowing the School to serve a considerably greater number of students.



Part of 1976 Faculty





1980's and into the Future

We have now entered our tenth decade of service to North Carolina and the nation. The challenges of this period — the increased demand for legal education, the growing complexity of the law, the necessity of highly specialized training, the crushing burden of inflation — must be met by the unselfish support of the alumni and friends of the Wake Forest University School of Law.



1988 Faculty

(Front row) Robert E. Lee, John D. Scarlett, James Taylor Jr., Hugh William Divine, (Second row) Suzanne Reynolds, Arthur R. Gaudio, Buddy O. H. Herring, Rhoda Bryan Billings, Henry Conrad Lauerman, Lorraine A. Schmall, Joel S. Newman, Patricia J. Roberts, Alan R. Palmiter, Richard Gordon Bell. (Back row) James Edward Sizemore, George K. Walker, Thomas E. Roberts, David F. Shores, J. Wilson Parker, David A. Logan, H. Miles Foy III, Thomas M. Steele, Don R. Castleman. (Not shown) Leon H. Corbett Jr., Isaac Boyce Covington III, Michael J. Gerhardt, Ralph A. Peeple, Charles P. Rose Jr., Ronald F. Wright Jr., and Kenneth A. Zick II.

New Professional Center Announced

After years of speculation and innumerable rumors, the announcement that many Wake Forest law alumni and students longed to hear was made: plans for a new building to house the law school.

At the Board of Visitors meeting on March 25, Wake Forest University President Thomas K. Hearn proclaimed that he would recommend the Board of Trustees approve plans for a new professional complex to contain both the Law School and the Babcock School of Management. That approval came one week later.

The plan for the professional center is part of a \$54.9 million plan for construction and renovation of campus buildings. Other new buildings include the Olin Physical Laboratory and the Benson University Center. Renovations are planned for Winston Hall and Salem Hall, while additions are slated for the Z. Smith Reynolds Library.

Financing for these projects will come from several sources. The bulk of the money is expected to come from the school's issuance of \$25 to \$30 million

in tax-exempt revenue bonds. The North Carolina Constitution was recently amended to allow private colleges and universities to issue tax-exempt bonds to fund building projects such as those proposed.

Money derived from the University's lease of the former RJR Nabisco World Headquarters will also be directed to support construction. One of the requests of RJR Nabisco officials who donated the building to Wake Forest was that the edifice be put toward educational uses. In an indirect way, now it will be.

About one-third of the space of the building is presently rented out to Planters LifeSavers Co., a division of RJR Nabisco. University officials hope to be able to expand Planters LifeSavers use of the facility while attracting other tenants to fill the areas now available.

Other sources of revenue, such as gifts and grants to Wake Forest, will also contribute to this massive project.

The professional center will be about 175,000 square feet and cost approximately \$20 million. The site of the building will be in the wooded area separating the water tower and the day student parking lot. An architect for the center has yet to be chosen, though University officials hope to choose one through a national search. Construction should begin sometime in 1989, with completion scheduled by 1992.

The professional center will be the first of its kind in the United States. The schools will be able to retain their own unique identities while sharing



Proposed site of new professional center to house both law and business schools. (photo by Dellinger)

interviewing facilities and a mutual student lounge.

Carswell Hall and the Babcock School building will probably be converted to undergraduate academic use. Severe overcrowding of several undergraduate departments will be eased by the availability of these buildings.

By Robert Ruegger, a Second-Year Student from Raleigh.



Rent from the lease of former RJR Nabisco World Headquarters will support construction. (photo by Dellinger)



Dale Gunter gives secret sign at PAD cookout. (photo by Dellinger)

Women-In-Law Symposium

Wake Forest Law School's Women-In-Law organization sponsored a dinner symposium on February 8th to discuss issues relevant to women entering the legal field. Speakers at the symposium, primarily Wake Forest Law School graduates, included: Susan Montaquila ('76), Associate Director of Wake Forest's Continuing Legal Education Program; Rebecca Connelly ('77), General Counsel for Boone and Company; Claire McNaught, attorney

for the City of Winston-Salem's Department of Public Safety; Margaret Shea ('83), an associate with Adams, Klee-meir, Hagan, Hannah and Fouts in Greensboro; Lorraine Schmall, Assistant Professor of Law at Wake Forest; and Joslin Davis, partner in the firm of Davis and Harwell.

Among several topics discussed by these speakers were the recent expansion of career choices for female attorneys and the possibility that traditional discrimination against women in the legal community may continue to constitute a barrier limiting this expansion.

The speakers agreed that until recently female attorneys have often been discouraged from attempting to gain access to the full spectrum of possible

tions yet are rarely, if ever, invited to join the uppermost echelons of the corporate structure.

The existence or non-existence of the "glass ceiling", as Connelly pointed out, varies with the particular employer. Connelly, however, said that she believes that her employer's openness to female management may be an exception to the general rule.

Davis, a practicing trial attorney, believes that juries, rather than other members of the legal profession, currently pose the greatest obstacle to the female litigators effectiveness. Davis said that juries versed in the Perry Mason school of legal analysis are reluctant to accept the idea that a female trial attorney may obtain the understanding of traditionally male professions, such as construction work, necessary to mount significant legal arguments pertaining to the topic. Given this state of affairs, Davis said that female trial attorneys are often most effective in a family law setting where they are presumed to have garnered a great wealth of personal knowledge.

Davis also pointed out that female trial attorneys fresh from law school often wind up practicing domestic law, as this sort of work is often shunned by the predominately male legal establishment and is therefore more readily available to an attorney establishing a new practice.

Association of American Law Schools (AALS) statistics culled by Schmall reveal that out of 5,800 law school professors nationwide, only 1,000 of these teachers are women. Furthermore, statistics reveal only seven percent of these female professors are tenured and that 70 percent of them are employed as legal writing and research professors. It is unclear whether this low rate of tenure for female professors is the result of intentional discrimination or merely reflects the more recent arrival of female faculty members to the profession.

Schmall said that the high incidence of female attorneys hired as legal writing and research teachers is attributable to the traditional conception that female professors are unfit to teach "hard" legal subjects such as securities regulation and the like. Schmall additionally suggested that the persistence of this



Lorraine Schmall, Assistant Professor of Law at Wake Forest discusses issues relevant to women entering the legal field. (photo by Dellinger)

legal practices. Personal experiences related by the speakers tended to evidence that women have traditionally been steered toward certain types of legal practice, typically family law work, often irrespective of their performance in law school with regard to their male counterparts.

While women are now initially accepted in a variety of legal practices, the lingering effects of discrimination against female attorneys may remain. The extent to which this remaining prejudice serves to impede the advancement and effectiveness of female at-

torneys, however, seems to vary from practice to practice. Specific problems within the fields of corporate practice, civil litigation, legal academia and practice within the public sector were summarized by various speakers at the symposium.

Susan Montaquila identified the largest problem women encounter within the corporate practice as the existence of a "glass ceiling". The term "glass ceiling" describes a phenomenon wherein female lawyers practicing in private industry are permitted to advance to mid-level management posi-

discriminatory situation is in part due to the reluctance of female law school professors to bring suit against offending institutions for fear of presenting themselves as a problematic minority. Schmall noted that she does not believe that a discriminatory condition exists at Wake Forest.

McNaught said that female attorneys with the advent of equal opportunity employment laws seeking employment in the public sector may have an advantage over male competitors as state and local governments seek to comply with EEOC provisions. McNaught thus acknowledged that discrimination on the basis of sex may occasionally present advantages as well as disadvantages for the female attorney, although in her particular case her predecessor was a male who had failed to pass the bar.

It seemed apparent at the symposium that overt discrimination against female attorneys has waned within the last ten years. Schmall noted that today 40 percent of all law students nationwide are women. Shea, the most recent Law School graduate to speak at the symposium, reported that she does not believe she has ever experienced discrimination within the legal community on the basis of sex. Connelly suggested that much of the remaining prejudice against female attorneys will be erased as more women enter legal practice and gain recognition for their competence. Davis additionally prescribed a change in attitude toward domestic legal work and other practices traditionally considered unworthy of the attention of established male lawyers, as well as the increased networking of female attorneys.

By Stephen Jeffries, a Second-Year Student from Bethesda, Maryland.

Fry Captures Zeliff Title

An elderly man was dying in the hospital. The daughter who had faithfully cared for him in his old age was at home recovering from an accident. The son whom he had rarely seen in 20 years was at his side. At the old man's death, a new will appeared—written in a scrawling cursive that resembled his handwriting and was admittedly steadied by his son. The new writing replaced a previous will that had left the old man's entire estate to his daughter. Now she stood to lose all her inheritance except for some jewelry and china. Unless, however, she could prove that her father lacked testamentary capacity at the time of the new writing, or that her father was unduly influenced by a son trying to gain what he had never possessed.

Such was the case in the 1988 Zeliff Trial Competition at the Wake Forest University School of Law. Rebecca Fry, attorney for the plaintiff daughter, and Willie Nattiel, attorney for the defendant son, argued the issues on February 26th before the Honorable Harry C. Martin, Associate Justice of the Supreme Court of North Carolina. A substantial crowd in the courtroom witnessed two different styles of advocacy—a calculating, precise argument by Fry, and an aggressive legal challenge by Nattiel. After opening statements, direct, cross and re-cross examinations, and closing arguments, Judge Martin declared Fry the winner in a competi-

tion that he said actually had two victors.

"You both deserve to win and you're both overall winners," Martin said.

He held up the Zeliff challenge ladder and noted that Fry, a second-year student from Lewistown, MT, and Nattiel, a third-year student from Gainesville, FL had beaten all opponents to face each other in the finals. It was a comment not only about their particular skills, but also about a trial competition that Martin later said gives law students valuable practical experience to balance their more theoretical studies.

The annual Zeliff Trial Competition promotes trial advocacy skills and recognizes outstanding advocates in the second- and third-year classes at Wake Forest. The competition is sponsored by the Student Trial Bar and is funded by the Cynthia J. Zeliff Fund—a gift that honors the memory of Cynthia Zeliff, a 1973 law school graduate who was killed several years ago in an accident.

The competition is also supported by faculty members, local attorneys and judges many of whom are Wake Forest Law School graduates. Preliminary rounds are held over several weeks, judged by students and volunteers from the legal community. The result is an active competition in which students receive constructive criticism on advocacy techniques whether they win or lose.

This year's competition was titled *In Re Estate of James Dale Warren*. Fry began her opening by giving the jury two questions to ask: "How did James Dale Warren write that [contested] paper . . . and why?" She noted the earlier will and her client's devotion to



1988 winner, Rebecca Fry examines witness.

Warren, in addition to the fact that when Warren wrote the second writing he was still suffering from the stroke that would kill him.

Nattiel emphasized the freedom of choice in disposing of personal property. "We have the ultimate freedom that, when we die, we can leave that property to whomever we wish," he said. "We also have the freedom to change our minds."

As Fry and Nattiel examined their clients, the proceeding was peppered with objections of facts and procedure. Nattiel sat straight in his chair, his arms occasionally resting on a table before him, listening intently. He seemed to follow each word of whomever was speaking and was poised to object at the slightest variance from how he wanted the trial to proceed.

In a similar fashion, Fry sat erect in her chair. Her eyes constantly moved



Finalist, Willie Nattiel addresses the court.

from the witness to the judge as she occasionally wrote on a yellow legal pad.

The contestants parried and thrust with their best arguments as Martin kept tight control over the proceeding. Fry painted her client as a devoted daughter unjustly disinherited by a brother who only contacted their father when he needed money. Nattiel countered by portraying the son as a young man who had earned his own way in the world and had finally become reconciled

with a father from whom he had long been distanced.

In the end, the disinherited daughter regained her inheritance and Fry received a \$500 award for first-place in the competition. Nattiel received \$250 as runner-up. But as Judge Martin stated after the audience approved of both students' efforts by resounding applause, there weren't any losers in the 1988 Zelif Trial Competition. **JUST WINNERS OF VARYING DEGREES!**

By Ken Carlson.

Miles Foy: Law Teacher of the Year

The most important thing a teacher needs to do is maintain his interest and enthusiasm for the subject and teaching process. By following this philosophy, Miles Foy, the 1988 Wake Forest School of Law Teacher of the Year, has excelled in the profession. The award, formally called the Jurist Excellence in Teaching Award, is presented each year by the *Jurist*.



H. Miles Foy III

Although he claims that he always wanted to become a teacher, Foy did not always know he wanted to enter law. Growing up in Statesville, he entered law school because "it seemed like a good idea at the time. I didn't have anything I wanted to do and it seemed to be the most general training." At law school, it was the classes that were the most memorable for Foy because the teachers were memorable. "The teachers were (either) awfully good or bad." Foy also says that fellow students were also important. "I had more good and lasting friendships in law school than in any other three year period of my life."

After working as a partner for three

years for Smith, Moore, Smith, Schell and Hunter (now Smith, Helms, Mulliss and Moore) in Greensboro, Foy came to Wake Forest in 1984. He enjoys teaching because of the academic environment. "I like to think about things." According to Foy, the best part about teaching is that every day is something new. "Every class is a new thing or a new approach. If you messed up the last one, it's gone."

Dan Bryson, Editor-In-Chief of *Jurist* presented this year's award aided by Sambo Dixon, who has been in several of Foy's classes. Dixon commented "We will all go into the legal community better attorneys because of the dedication and skill of Miles Foy."

Foy says the most interesting thing that happens to him as a teacher is that "students will ask you a question you don't know the answer to." There are usually three reasons for this. First, "the question may be off-the-wall" and irrelevant. If this happens, he tries to "deal with it in a way not to embarrass anyone without confusing people." The second kind of questions are ones that are unclear but relevant. Foy tries to use these to emphasize a legal truth, that "in many cases there are no answers or a single answer." The third kind, "that happen all the time," are questions "that never occurred to you." It is these kinds of questions that generate Foy's enthusiasm for teaching. "They always make you think about subjects in a new way."

Foy and his wife, Jane, make their home in Greensboro. He says he likes to spend what little free time he has "going to his children's activities." Foy has two daughters, Anna, 13 and Sarah, 9. Foy also enjoys sports, gardening and playing the banjo.

Foy is modest in his reception of the award. "That they want you to get an award for doing something you enjoy so much is surprising, but gratifying." Hopefully, Foy can pass on some of this dedication and enthusiasm to his students.

By Larry Baker, a First-Year Student.

Wake Forest Law School Library Offers Telefax Service To Attorneys

The WFU Law Library has provided telefacsimile transmission services to members of the North Carolina Bar since September, 1987. According to Thomas M. Steele, Director of Law Library Services, the Library will send within two hours of request copies of cases or articles. The charges are \$5.00 per request (up to 3 documents) plus 50¢ per page. Additional (over 3) documents (case or law review articles) cost \$2.00 per cite. Regular photocopy costs and services have remained the same for the past five years. Contact Professor Steele at (919) 761-5440 or Glen-Peter Ahlers (919) 761-5052 or Miriam Murphy (919) 761-5072. The WFU Law Library telefax number is (919) 761-1145.

Client Counseling Competition

The American Bar Association's Client Counseling Competition for the Southeast Region was held February 12-13, 1988 at Washington and Lee University Law School in Lexington, VA. Once again, Wake Forest's team made an impressive showing as it reached the semi-final round before losing to Washington and Lee.

This year's team consisted of third-year students, Mike Provan and Todd Jones, and alternate DeAnna Leeper, a second-year student. The team was selected based on the results of an intramural competition held in January.

Once the team was selected, its members began to prepare for the regional competition, which was only three weeks away.

This year's regional problems were based on freedom of speech and expression. For each round, the team had 30 minutes to interview a client they knew nothing about. They had to figure out the client's problem and give him several options on how to solve it. After the interview, each team had 15 minutes to talk about the problem between them. This allowed the judges to view the team's analytical skills as well as the team's counseling skills.

The panel of judges consisted of two attorneys and one psychologist bringing two different perspectives to the competition. "The psychologist wants you to cry with the client while the attorneys want you to give him the law. It's a hard combination," Leeper stated. The psychologist adds a fresh perspective because law school does not teach you "people skills", and you can't represent someone unless you can relate to them."

Jones added that the competition "provided for all of us a very practical sense of the law which is something that is missing in the classroom. We're not going to find all the answers in a law book."

The team's advisor for the past three years has been Associate Clinical Pro-

fessor Carol Anderson. Anderson believes that the competition is important because "it is what we are all going to be doing for the rest of our lives as we practice law, and it's one aspect of practice not taught in law school."

"People don't realize that when a client comes to you, you must counsel him, and a lot of times this counseling has nothing to do with the law," Provan explained.

Although the team felt that the competition itself was unrealistic, they all agreed that what they learned from practicing and participating in the competition will be invaluable to them when they begin practicing law. "After only talking with law students and professors for two or three years, you don't realize how difficult it is to explain the law to a lay person in language that person can understand," Leeper said. "I think we've all learned excellent skills on how to elicit information from clients. I doubt I'll ever encounter a client as difficult as the clients used in the competition."

Provan, Jones, and Leeper all credited the team's huge success in the past several years to Professor Anderson's hard work and dedication to client counseling and the Clinical Program at Wake Forest.

By Donna Colbert, a First-Year Student from West Virginia.

THE WAKE FOREST LAW REVIEW IS PLEASED TO ANNOUNCE ITS 1988-89 BOARD OF DIRECTORS

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The 1988 Wake Forest Law Review Business Symposium

The Wake Forest Law Review held its annual business symposium on April 1, 1988 at the Graylyn Conference Center. Each year, The Law Review dedicates one issue to a timely business topic, and solicits articles for that issue from professors, attorneys, and experts in the chosen topic area. Authors of articles published in the business issue are invited to speak at the business symposium. This year, the topic was *Takeovers and Tender Offers: Regulations, Duties, and Defenses*.

Among those speaking at the symposium were Mare I. Steinburg, Professor of Law, University of Maryland, counselor to Melnicone, Kaufman, Weiner, Amouse, and Farbis, PA, Baltimore, MD, and former Special Projects Counsel to the Securities and Exchange Commission; Alan R. Palmiter, Assistant Professor of Law, Wake Forest University; Lucia D. Swanson of Wilmer, Cutler, and Pickering, Washington, DC; Thomas L. Hazen, Professor of Law, University of North Carolina, and member of the committee of the North Carolina General Statutes Commission; and Henry F. Johnson, Professor of Law, St. Mary's University.

Panelists for the symposium included Alan R. Palmiter; Joseph F. Healy, Jr., Senior Vice President and General Counsel to Piedmont Aviation, Inc.; Ralph A. Peeples, Professor of Law, Wake Forest University; and Russell M. Robinson II of Robinson, Bradshaw, and Hinson, Charlotte, NC.

Professor Steinburg spoke on the "Application of the business judgment rule, existing federal law, and proposals for additional federal regulation in connection with the abuses by management associated with a hostile takeover."

Professor Palmiter spoke on "The business judgment rule in the context of battles for corporate control."

Ms. Swanson stepped in to replace Theodore A. Levine of Wilmer, Cutler, and Pickering, Washington, DC, who was unable to attend the symposium, and spoke on "The potentially conflicting duties and obligations owed by a multi-service securities firm to both its corporate and individual clients when counseling corporations involved in tender offers."

Professor Hazen spoke on "The effect of the Supreme Court decision in *CTS v. Dynamics* on other forms of state "take-over legislation and the proper role of the states in regulating take-overs."

Professor Johnson concluded the symposium with his lecture on "The effect of the 1984 and 1986 Tax Reform Acts on a popular anti-takeover device—the golden parachute—and the policy concerns regarding government regulation of executive compensation."

A wine and cheese reception followed for all who attended the symposium.

Elizabeth Funck, one of the Law Review business symposium editors,

commented that the symposium was quite successful despite some last minute changes in the scheduled speakers. More than 60 people attended, including law school faculty, students, local attorneys, and interested community members.

By Rebecca Fry, a Second-Year Student from Lewistown, MT.



1988-89 Jurist Editor-elect, Robert Ruegger displays culinary skills at PAD cookout. (photo by Dellinger)



Winners of PAD's 1988 Par 3 Golf Tournament at Tanglewood. Left to Right: M. Crews, J. Evans, R. Broderick. (photo by Dellinger)



Michaelisa Johnson and Professor Newman discuss ethics issue at PAD Ethics Seminar between Law/Business/Medical Schools. (photo by Dellinger)

Wake Forest Celebrates Law Day '88

On the weekend of Friday, March 25, 1988, Wake Forest held its annual Law Day Celebration.

This is the 36th consecutive year that the School of Law has observed the event. Established to honor the constitutional roots of American law, Law Day also serves to acknowledge the contributions of different Americans to the ideal of the rule of law, to inform citizens on government and community affairs, to support and encourage efforts to modernize the courts, to encourage voting in elections and to foster a deeper respect for the law. All Law Day activities are sponsored by the Student Bar Association.

At 2:00 on Friday afternoon in the Courtroom, SBA President Brian M. Dubuc (JD '88) officially opened the weekend by welcoming students, faculty, staff, alumni and friends of the Law School in attendance at the Law Day Speakers Program. Dean John D. Scarlett performed the recognition of student organizations and inducted the new SBA officers for 1988-89. Elected to these positions were Tammy Childress (rising 3-L), president; Virginia Abdella (rising 3-L), vice president; Michelle Davis (rising 2-L), secretary;



Dan Bryson, Editor of the Jurist, presents Excellence in Teaching Award to Miles Foy. (photo by Dellinger)

and Anne Nicholson (rising 2-L), treasurer. Following the induction, 1987-88 SBA Vice President Linda Wohlbrook presented Brian Dubuc with a well-deserved plaque in recognition of Outstanding Service to the School of Law.

Next came the presentation of the *Jurist* Excellence in Teaching Award. Editor Dan Bryson gave 3-L SBA Representative Sam Dixon the honor of presenting the award to Professor H. Miles Foy, III. In his fourth year at the Law School, Professor Foy currently teaches Contracts I and II, Uniform Commercial Code I and II and Corporations. Sam, a former student in the first Contracts class the honoree taught, delivered a warm personal tribute to Professor Foy, recounting one of the teacher's many memorable mottos, that

he had "never met a failure," and noting that his students learn out of respect for the man, his compassion and abilities, not out of fear. The recipient stated that, to him, teaching is a pleasure and later added that this award was one of the highlights of his (distinguished) career. The audience gave Professor Foy a standing ovation, a fitting display of gratitude for a man so well known for the depth of his knowledge and the breadth of his efforts to help his students grasp the legal concepts that sometimes seem so nebulous. Hopefully, many future Wake Forest law students will also be beneficiaries of his love for teaching. The recipient of the *Jurist* Excellence in Teaching Award is decided by anonymous vote of the 3-L class.

In her first official act of office, new SBA President Tammy Childress presented the Alumni Award for Outstanding Service. This year, the honor went to William Kearns Davis ('66), in recognition of his distinguished service to the profession.

Associate Dean Kenneth A. Zick, II continued with the introduction of this year's Law Day speaker: The Right Honorable Lord Justice Peter Taylor. Dean Zick provided a brief biographical sketch of the honored guest ranging back to his birth in Newcastle upon Tyne in Northeastern England and to his days as captain of the Rugby team at Cambridge. Sir Peter was called to the English Bar in 1954 and spent the next 26 years as a practicing barrister, the latter 13 on the Queens Counsel.



Sir Peter Taylor with 1988-89 SBA Officers. (photo by Dellinger)

Thereafter, he was made a Judge of the High Court (at which time he was knighted by the Queen Mother), and in December of 1987, upon recommendation of the Prime Minister, the Lord Chancellor elevated him to the Court of Appeals of England and Wales, the highest appellate court in England.

An honorary member of both the American and Canadian Bar Associations, Sir Peter is also an accomplished pianist, whose association with Wake Forest dates back many years. He and Lady Taylor, his gracious wife of 36 years (who traveled to Wake Forest with him), have four children. He visited the Reynolda Campus some nine years ago, and each summer, he plays host to the students and faculty participating in the Law School's summer program at the Worrell House in London.

Sir Peter spoke on "The Rule of Law," in terms of its establishment and perseverance. He described the historical development of the rule of law in England, a long and many times bitter series of struggles between the Crown, Parliament and the Courts. The three "milestones" in this journey were the signing of the "Magna Carta," the "bedrock of the British Constitution," by King John at Runnymede, with special emphasis on "Clause Thirty-nine," guaranteeing that no man shall be imprisoned without process of law; the Civil War that rode the high tide of anti-monarchy sentiment in a campaign against the exercise of arbitrary power and culminated in the trial and beheading of King Charles I; and, finally, the end of the Stuart line, at which time the final sovereignty of Parliament was established.

Speaking to the preservation of the rule of law, Sir Peter compared several features of the English and American systems of jurisprudence. The thrust of his remarks was that the two systems should take advantage of the opportunity to examine and learn from each other. On the one hand, Sir Peter expressed his belief that the British system of selecting judges is preferable at least to the election method employed by many states in this country. "The idea of a judge competing on a political ticket is not one I find easy to understand." In England, all judges are chosen purely on the basis of merit and serve for terms of good behavior until

mandatory retirement age of either 72 or 75, depending on the level of the judiciary on which they serve. Instead of an attorney seeking a judgeship, the bench (via the Lord Chancellor) goes in search of its own potential representatives. It is a good system because a judge "doesn't have to adjust his decisions to be popular."

However, Sir Peter expressed envy at the ideal of America's written Constitution. While this country has adopted the concept of incorporating its basic percepts within a fundamental document, representing the "Supreme law of the land," England has no "Bill of Rights," as we know it, to insure individual liberties. The word of Parliament is quite literally the law. Even the highest court of the land does not have the power to declare an act of Parliament unconstitutional. The English system has always been more concerned with proclaiming remedies rather than declaring rights. As a result, those liberties comprising the rule of law which the British hold most dear continue to be subject to the whim of Parliament.

Following the Law Day weekend, Sir Peter remained in Winston-Salem into the following week, devoting the entirety of Tuesday afternoon and evening to judging the three final rounds of the School's First Year Moot Court Competition.

The Law Day festivities continued through the dinner dance held at the Sawtooth Center, downtown Winston-Salem on Saturday night.

By Jim Hill, a Third-Year Student.

Placement Office Gets New Director

The Placement Office remains a busy place, thanks to the efforts of the Law School's new placement director, Carrie Bullock.

Bullock is very enthusiastic about her position in the placement office.



Carrie Bullock (photo by Gunter)

She likes working with the students and with the attorneys, especially the alumni attorneys that come to campus to interview.

Overall, Bullock is very pleased with the success of her first recruitment season. There were 158 firms that came to campus in the fall of 1987. "We are very optimistic that we will surpass that in the fall (of 1988)," she said.

She is actively trying to attract firms from areas such as Philadelphia, Tennessee and Ohio for the upcoming recruiting season. As well, she would like to attract other Florida firms because 10 percent of this year's class is planning on working in Florida. Bullock's goal is to create a broader regional and national reputation for Wake Forest in order to give students more opportunities.

Associate Dean James Taylor helps her in the recruiting effort. Taylor calls on firms himself to solicit interest in Wake Forest students. "Dean Taylor has a commitment to placement and to letting students choose," Bullock said.

As well, law placement assistant Faye Fulk is an asset for both Bullock and students. Fulk has worked in the placement office for almost 6 years and has great advice about everything, from resume writing to interviewing skills, Bullock said.

The firms that do interview at Wake Forest are very impressed with the students, she said. Interviewers report students are well-prepared for inter-

views and hold their own when competing against students from Duke, Virginia and other top law schools.

Bullock's long range goal is to develop a full-scale placement facility with a complete database of employment information for students and staff. As well, she said she would like to see more information and emphasis on public interest law. As well, she would like to see every student make use of the placement office resources. Currently about 75 percent use the office resources.

"There is a misconception that we are here to serve the top 10 percent," she explained. "But interviewing is a job, in addition to going to school and you do not need to spend quite as much time if we can help you in any way make it easier."

Wake Forest alumni play an important role in paving the way for new law graduates in the work force. New associates should encourage their firms to recruit at Wake Forest. "It is important that regardless of the size of the firm, that they look at Wake Forest as a source of recruitment. Our graduates are out there doing good jobs and that speaks well of us."

However, Bullock warns, firms also need to learn to be more competitive with each other. "North Carolina firms always think they can attract Wake Forest students, but with big firms coming from different areas of the country, they can't always get the best students any longer."

Bullock took over the placement director position on October 1, 1987 in the middle of fall recruiting. She is a Wake Forest graduate with a BA in English. After graduation, she worked as a paralegal at the law firm of Womble, Carlyle in Winston-Salem for a year. She then took a job with Wachovia as a manager in the student loans division. She said this position was helpful because it allowed her interaction with the same sort of clientele she works with now, students.

Bullock is originally from Charleston, WV. She is married to James Bullock, who is director of law alumni in the Wake Forest Development Office and they live in Winston-Salem.

By Kristen Gore, a First-Year Student from Cincinnati, OH.

The United States Court Of Military Appeals Comes To Wake Forest

The School of Law had the honor of being host for hearings by the United States Court of Military Appeals (USCMA) in its courtroom on March 17, 1988. Chief Judge Robinson Everett and Judges Walter Cox and Eugene Sullivan heard arguments on two cases involving servicemen in the US Air Force. This occasion marked only the second time in its thirty-seven year history that the Court has heard arguments outside of its customary courtroom in Washington, DC. The first time was at the University of Virginia's Law School.

In an interview prior to the session, Chief Judge Robinson Everett spoke of his background, the Court's connections with Wake Forest, the differences between military and civilian law, and some general issues that have faced the Court since its establishment as the highest military court in the nation.

Everett is a North Carolina native from Durham. He attended the University of North Carolina at Chapel Hill

before transferring to Harvard University, where he received the AB and JD degrees. He later received the LLM degree from Duke University. Everett taught at Duke Law School before accepting a presidential appointment to the USCMA on April 16, 1980. He still teaches at Duke periodically.

When asked about the Court's connection with the Law School at Wake Forest, Everett mentioned the fact that Associate Dean James Taylor, Jr. is currently the chairman of a committee that is evaluating the Court. He also cited the great interest students at Wake Forest have taken in military law, such as the presentation of amicus curiae briefs in a felony murder case by several students from the school at a Washington, DC session of the Court in 1984. Another factor Everett mentioned was the unusually large number of military personnel stationed in North Carolina, which ranks third in the nation in that category.

Everett expressed an interest in continuing the practice of visiting law schools of the country, much as the Eighth Circuit Federal Court of Appeals does in the law schools of its district. He believes this will expose law students to military law and spark interest in this field with civilian as well as military attorneys. This was borne out by the large number of attorneys, including several Wake Forest professors admitted to practice before the Court in a ceremony prior to the session later that afternoon.

Everett said that with the increase in case load, the Court stays busy almost



Several students had the opportunity to present oral arguments before the USCMA. (photo by Gunter)



US Court of Military Appeals held oral argument at the Law School. Judge Cox — Chief Judge Everett — Judge Sullivan.

year-round, hearing arguments from September to June. A large number of the cases these days stem from drug charges. Everett estimated that these types of appeals account for one out of three of the cases heard by the Court. He also said child abuse cases are increasing and that the Court hears a great deal of appeals involving brutal homicides.

Everett explained the significance of having civilian judges on the highest military court in terms of the country's custom of having civilians fill the highest military positions in the nation such as Secretary of Defense and Commander-in-Chief of the Armed Forces. The Court's civilian judges were a reaction to complaints during World War II of command influence over the courts-martial which prosecuted members of the armed forces accused of crimes. Criticism of the courts-martial included the contention that the courts were merely instruments of punishment manipulated by the military brass and lacking in fairness to the accused. With the establishment of the USCMA these criticisms were for the most part laid to rest.

Some important differences and similarities between civilian law and military law include the use of "blue-ribbon" juries composed of military officers who have the power to question witnesses and request evidence, unlike civilian juries. Some added protections that servicemen are afforded include free counsel at the trial and appellate

levels and a free record of trial without a show of indigence. Felony-type cases are also eligible for automatic review. The Military Rules of Evidence are almost identical to the Federal Rules with only slight differences. Everett summed up the comparison by saying that in many instances the military justice system is more protective of a serviceman's rights than a civilian system would be.

Several important issues have been faced by the Court since its establishment in 1951. One has been the movement among the military to abolish the Court and return to military law as it existed before the adoption of the Uniform Code of Military Justice (UCMJ). Everett said opposition to the Court as a civilian check on the command influence inherent in military prosecutions has subsided through the years and that the Court has proved its worth by outliving its detractors.

Being outside the area of Article III courts by the USCMA's position in the executive branch of the government, the judges on the USCMA do not have the life tenure that judges on the Federal Courts of Appeal have. Instead, the judges are appointed by the President for terms of fifteen years each. When asked for his views on this issue, the Chief Judge said he supports life tenure and that North Carolina Senator Terry Sanford is co-sponsoring a bill in Congress which, if passed, will bring this about.

Another issue faced by the Court is

the question of expanding the bench in response to an increasing case load. Everett said he is satisfied with the present three-judge system, adding that the current number is adequate for now but that in case of a war or the equivalent, more appointments may be necessary.

The evaluation committee chaired by Dean Taylor will probably address the above issues and others, suggesting changes in the USCMA where needed.

The session of the Court held in the Law School Courtroom at 2:00 p.m. on March 17th involved the appeals of two cases concerning US Air Force personnel. The *United States v. Avila* was marked by a challenge to the hearsay rules of the Military Rules of Evidence and with the retroactive nature of the recent US Supreme Court decision in *Solorio v. United States*. The other case, *United States v. Byers* focused on the admissibility of a confession purportedly obtained in violation of a *Miranda*-type restriction imposed by Article 31 of the Uniform Code of Military Service.

Another link to Wake Forest during the session was the presence of Marc Van Nuys, a Wake Forest alumnus (JD '80) and winner of the 1978 Stanley Cup Competition, who argued for the government in the *Byers* appeal.

During each appeal, in addition to the usual prosecution and defense arguments, Wake Forest law students presented amicus curiae briefs supporting one side or the other. In *Avila*, Scott Williamson and Damon Pike made oral arguments in support of the government's position. The brief was prepared by a team including themselves, Michaelisa Johnson, Roberta Wood and Lance Sigmon. The *Byers* brief, supporting the defense's position was argued by Bob Stovash and Raag Singhal, who prepared the brief along with Dan Sroka and Brian Dubuc.

This visit by the USCMA was an excellent opportunity to observe military justice and the appellate court system in action. The Law School expresses its thanks to the Court for accepting our invitation to hold arguments at Wake Forest.

By Dean Hollandsworth, a Second-Year Student from Greensboro.

Legal Articles

The General Statutes Commission



*Don R. Castleman**

In 1945, the North Carolina Legislature created, by statute, the General Statutes Commission. N.C.G.S. 164-12. Since 1971, the General Statutes Commission has operated under the Department of Justice. The Commission consists of twelve members who are selected as follows: one member is appointed by the President of the North Carolina State Bar and one member is selected by the General Statutes Commission. There is one member, appointed by the respective deans, from each of the five law schools in North Carolina. UNC, Duke, Wake Forest, NC Central and Campbell University. One member is appointed by the Speaker of the House and one by the President of the Senate. One member is appointed by the President of the North Carolina Bar Association and two members are appointed by the Governor.

This group meets regularly with the Revisor of Statutes, Mr. Floyd M. Lewis, and his staff. The Commission formulates and drafts legislative proposals which are forwarded to the General Assembly at the appropriate time. Such proposals may grow out of

suggestions put forth by members of the Commission, suggestions and concerns that have been voiced by members of the Bar and brought to the attention of the Commission, needs and concerns discovered by the Revisor of Statutes in his ongoing review and study of the laws of North Carolina and suggestions that originate with the American Law Institute, the American Bar Association, or the Uniform Laws Commissioners.

At a recent meeting of the Commission, for instance, one item on the agenda concerned an apparent error in G.S. 44A-4. A prominent attorney in Raleigh had discovered that the word "court" was used in the statute when apparently the word "county" was intended. After ascertaining that the error was in the original legislation and not simply a printing error, Mr. Lewis brought the matter to the attention of the Commission. The Commission approved the inclusion of correcting legislation in its 1989 Technical Corrections Bill. This type of clerical error, as well as internal inconsistencies, outdate cross-references, duplication, etc., are frequently brought to the attention of the General Statutes Commission by attorneys and can usually be corrected either by inclusion in a Technical Corrections Bill or in the Commissions' Omnibus Bill which is sent to every regular session of the General Assembly, or, if necessary by a separate legislative proposal.

At that same meeting, after disposing of such matters as the letter from the Raleigh attorney, the Commission returned to a task which has occupied it for well over a year, reviewing word by word, line by line, and literally comma by comma, the proposed revised Model Business Corporation Act which, if enacted by the legislature, would replace current Chapter 55 of the General Statutes. This particular legislation is being handled in a three-step process that will be completed before the package goes to the 1989 Legislature. Each provision in the proposed Model Business Corporation Act is first reviewed by a drafting committee appointed by the General Statutes Commission. As the committee pro-

gresses through the Act, each of the various Articles will be subjected to draft and re-draft many times before the committee and the Commission agree. The Commission then, as it approves an Article of the Act, forwards the proposed language to a legislative study commission of the General Assembly which in turn will propose the final package to the legislature.

Usually, there is not the third step, a legislative study commission, and the General Statutes Commission works with a drafting committee appointed by the Commission. For example, when the Uniform Transfer to Minors Act was prepared for submission to the 1987 General Assembly, the Trust Drafting Committee reviewed the Act, proposed changes and forwarded the total package to the General Statutes Commission which then "fine tuned" the legislative package before it was sent to the General Assembly. When the Commission undertook to review for submission the Uniform Condominium Act, a drafting committee was not used. Instead the Commission itself spent countless hours drafting and re-drafting the various provisions in that comprehensive legislative package. As we painstakingly went through a seventh or even eighth draft of a provision relating to the definition of "common areas" or "development rights," this writer frequently recalled a quote attributed to Bismarck... "law is like sausage—one should never watch it being made!"

The Commission maintains an ongoing docket of items under consideration. If an attorney should discover a flaw in a North Carolina Statute, either because the Statute is ambiguous, is incomplete, or is simply erroneous, contact a member of the Commission or write to Floyd Lewis in the Attorney General's Office. If the problem can be resolved with simply a technical correction or a simple amendment which would be appropriate to an omnibus bill, the Commission can resolve it very quickly. If the matter is more complex and will require study, the Commission may open a docket for consideration, may decline as being inappropriate to the Commissioner's work, or may refer the issue to another body.

The current members of the Commission are: Kenneth R. Youngblood, a Hendersonville attorney; Thomas M. Ringer, Jr., Professor of Law, North Carolina Central University School of Law; Alexander M. Hall, an attorney in Wilmington; Don R. Castleman, Professor of Law, Wake Forest University School of Law; James E. Ezzell, Jr., an attorney in Rocky Mount; Garry W. Frank, a Lexington attorney; Robert G. Byrd, Professor Law, UNC School of Law; two Greensboro attorneys, Doris Bray and John L. Sarratt; a Charlotte attorney, Marck C. Cramer; Charles Lewis, Campbell University School of Law Professor; and Melvin G. Shimm Professor of Law, Duke University School of Law.

**Professor of Law,
Wake Forest Law School.*

The Rule Of Law - Our British Heritage



*The Right Honorable Lord
Justice Peter Taylor**

The rule of law. What a ringing and evocative phrase! Often it is a rallying cry calling an audience or readers to order and attention. It is a grand concept on the same scale as love thy neighbor, liberty, equality and fraternity, allegiance to the flag or in our

case, Queen and country. Introduced in court it signals that questions of loftier

“Putting modesty aside-only for a moment-the rule of law, although derived from antiquity, in its modern and practical sense was beaten into shape on the anvil of English history.”

importance than the instant case are to be addressed. Cited in newspapers, it is an editorial aid to showing current events or proposals endangering our way of life. Prayed in aid by a politician, it proclaims the purity and piety of the speaker and that the opposition is up to no good.

But whence comes the concept, what does it mean and how is it to be preserved? I wish to make it clear that I did not choose the title of my address. It would have been immodest of me as an Englishman to do so. But when Dean Zick gave me the title he showed himself to be a good historian. Putting modesty aside-only for a moment-the rule of law, although derived from antiquity, in its modern and practical sense was beaten into shape on the anvil of English history. It is the product of those power struggles between King, Parliament and the judges of which every school boy learns. But I take Dean Zick's use of the word “our” in “our British heritage” to mean, as is the truth, that although it was born in Britain our two countries and indeed many others share allegiance to and respect for the rule of law albeit the mechanisms by which it is preserved differ.

As far back in history as the ancient Greeks, the concept of a rule of law was recognized. But it was very different from the British version. To the Sophists it was a doctrine of natural law, and more a philosophical or even theological ethic than a legal principle. The law of nature was thought to be an original natural order of affairs which transcended the rules or laws of any temporal power. Aristotle said “The rule of natural law is preferable to that of any individual.” Rule of law in this sense posited that the law of nature

would still be viable and convincing even if there were no man-made rules and even if there were no God. It was adopted later by Grotius and the medieval schoolmen, the emphasis changing from natural law to an

“Eventually they brought John to heel and in 1215 at Runnymede by the River Thames, King John signed Magna Carta. It contained many clauses but the most famous was Clause 39 “no man shall be taken and imprisoned or disseized or outlawed except by the lawful judgment of his peers or by the law of this land.” I suppose you would say by “due process.”

insistence on natural rights. This transcendental meaning of the Rule of Law is of significance not merely as ancient history but because it recurred as one source of your American Constitution along with the more practical concept of the Rule of Law derived from Britain. So I shall return to it.

The route from chaos to the Rule of Law in English history is a long one and this short address I shall mention only the three major milestones. The first of great importance was of course Magna Carta. The power of the King to arrest or deprive his subjects in arbitrary and unaccountable manner caused constant strife between King John and his nobles, themselves no strangers to cruelty and arbitrary action. Eventually they brought John to heel and in 1215 at Runnymede by the River Thames, King John signed Magna Carta. It contained many clauses but the most famous was Clause 39 “no man shall be taken and imprisoned or disseized or outlawed except by the lawful judgment of his peers or by the law of this land.” I suppose you would say by “due process. This great charter is the bed-rock of our British constitution. It is still cited in Court (although usually as a last resort). But over and above that, its mention casts an emotive aura over

discussion of any fundamental issue as to our freedom. The poet, Rudyard Kipling, put it this way:

“Whenever mob or monarch lays,
unruly hand on English ways,
a whisper runs a shiver plays,
along the reeds at Runnymede.”

I come next to the Civil War. After the strong government of the Tudors there was under our Stuart kings a surge of popular anti-Royalist feeling. It was complicated by religious differences, but essentially the issue was whether the Divine Right of Kings in which Charles I believed implicitly could prevail against the contention that no one was above the law. The King asserted the right to raise taxes or otherwise to act as he chose. Arbitrary power. In the Petition of Right, Parliament insisted that it should be not only consulted but paramount. The judges, especially Chief Justice Coke, played a vital role in this. According to the royal view judges were to be lions but under the throne. Coke told the King he had no authority to participate in the judicial decisions of his own courts. As you know after the Civil War and under Cromwell Parliament the Common Law prevailed. Charles I was beheaded, but only, it is fair to note, after a trial, which is more than any other deposed monarch then or for that matter now would be likely to get. I've mentioned Charles I and his courts because they were invoked in a leading modern case to which I shall refer.

The third major step forward was at the end of the Stuart line when James II was deposed after the Revolution of 1688. Parliament took the opportunity then to present the new monarchs, William and Mary, with the Bill of Rights later enshrined in statute law as

the Act of Settlement. By those provisions, Parliament's sovereignty was established. It has never since been questioned. It was also provided that “levying money for or to the use of the Crown by pretense of prerogative without the consent of Parliament is illegal.”

These then were the main landmarks in the evolution of our Rule of Law. It is impossible to discuss this subject without reference to the celebrated 19th Century Jurist, Alfred Dicey, who elevated the phrase, “Rule of Law” into a term of art. In his Law of Constitution in 1885, Dicey stated three separate principles embraced by the phrase Rule of Law.

- (1) “No man is punishable or can lawfully made to suffer in body or goods except for a distinct breach of the law established in the ordinary courts of the land”. In other words, the exercise by persons authority of wide, arbitrary or discretionary powers of constraint is precluded. This goes back to the principle already cited from Magna Carta but broadens it so that it applies not only to the Crown but to its ministers and officers of central government, and to the many authorities in local government.
- (2) “No man is above the law. Everyone whatever his rank or condition is subject to the ordinary laws of the realm and amenable to the jurisdiction of the ordinary tribunals”. Here Dicey was not only describing the English rule but taking a side-swipe at the French Conseil d'Etat which provides a separate system of administrative courts to deal with litigation involving government or government servants.
- (3) “General principles of the Constitution e.g. the right of personal liberty or the right to hold public meetings are the result of judicial decisions determining the rights of private persons in particular cases brought before the Courts; whereas, under many foreign constitutions the security (such as it is) given to the rights of individuals results or appears to result from the general principles of the constitution.” Of course, that last

clause is aimed at the fundamental difference between the British Constitution and yours. Dicey believed that we in England were better off without a written Constitution. Over the last 100 years since Dicey, most English lawyers and constitutional historians would have agreed with him. But as I shall indicate there are now doubts and indeed some distinguished jurists are actively campaigning for a new Bill of Rights in the United Kingdom akin to your American Constitution. Let us first see how well we in England have in recent times safeguarded the Rule of Law by relying on our Courts and upon Parliament. Can we be confident of its future?

First, our judges. Here again . . . there is a fundamental difference between the English and the American systems. All our judges are appointed on merit. They hold office *quamdiu se bene gesserint* (during good behavior) up to retiring age. Until recently the appointment was for life but now high court judges must retire at 75; circuit judges at 72. Appointment is by the Lord Chancellor but he takes the widest possible soundings and consults with other senior judges. Account is taken of professional reputation for ability, integrity, and industry during many years the candidate would have spent at the Bar. Also, Barristers who have practiced for 10 years or more may be appointed Recorders i.e. part-time judges so that they can sit for four or six weeks during the year as judges whilst continuing for the rest of the year in practice at the Bar. They thereby obtain judicial experience and also submit themselves to scrutiny. Recently there has been a lobby in favor of a formally constituted Advisory Committee having a role in the selection process of our Judges. Frankly, however, the recent proceedings here regarding Judges Bork and Ginsburg have thinned and cooled that lobby considerably. The two crucial principles in our system are (1) that judicial appointment should be totally divorced from political factors and (2) that a judge should have security of tenure. Our high court judges can only be removed by a three-fourths majority of both Houses of Parliament. We believe the independence of the

“As you know after the Civil War and under Cromwell Parliament the Common Law prevailed. Charles I was beheaded, but only, it is fair to note, after a trial, which is more than any other deposed monarch then or for that matter now would be likely to get.”

“Dicey believed that we in England were better off without a written Constitution. Over the last 100 years since Dicey, most English lawyers and constitutional historians would have agreed with him. But as I shall indicate there are now doubts and indeed some distinguished jurists are actively campaigning for a new Bill of Rights in the United Kingdom akin to your American Constitution.”

judiciary and the confidence of the public in its judges make these two principles essential. So we have no election of judges and the idea of campaigning to become a judge is anathema to us. How, we ask, can a judge reaching the end of his term and hoping for re-election on his track record be as independent as one who knows he's there for good? Likewise, how can a judge who has campaigned on a party ticket command the confidence of a litigant prominent in the opposite party?

Having said that, judges however appointed or elected are only human. How well have ours measured up to Dicey's principles? My answer would be that generally speaking they have done very well, but not invariably so. Take Dicey's first principle and let me give one example each way. In 1976 Mr. Congreve sought a declaration against the Home Secretary. In England, if you have a television set you have to pay an annual license fee. You can buy next year's license in advance. In 1976 the Government decided to increase the license fee from 12 pounds to 18 pounds. This led to a scramble of viewers wanting to buy their next year's license at the old rate before the new one came into force. Twenty-four thousand viewers did so. The Home Office sent each of them a letter demanding the extra six pounds failing which their license would be revoked.

Nothing was said about any refund of the 12 pounds already paid should the extra 6 pounds not be forthcoming. Many viewers meekly paid the extra 6 pounds, but Mr. Congreve took the Home Secretary to Court. He failed at first instance. However, the Court of Appeal held that although there was a discretion vested in the Home Secretary to revoke a license for good reason, this was an entirely arbitrary exercise of the discretion. Parliament had given no power to the Minister to abrogate the viewer's right to buy in advance. It had certainly not entitled the Minister to forfeit 12 pounds if another 6 pounds was not paid. Mr. Congreve won. So there was a victory for the Rule of Law over executive expediency.

Now the other side of the coin. During 1939-45 War, Regulations for Defense of the Realm included the notorious Regulation 18(b) dealing with

“So we have no election of judges and the idea of campaigning to become a judge is anathema to us.”

aliens in the United Kingdom. An alien could be detained “if the Home Secretary has reasonable cause to believe him to be of hostile associations”. In 1942, the case *Liversidge v. Anderson* reached the House of Lords. Liversidge challenged the Home Secretary, Sir John Anderson, to give reasons for his detention. The Home Secretary claimed he did not have to justify his exercise of this executive discretion. The case turned on whether the Home Secretary's say-so was sufficient or whether the phrase “has reasonable cause” imported an objective test and was open therefore to the scrutiny of the Court. In Dicey's terms, had Parliament given the Home Secretary an arbitrary unaccountable power or was it subject to review?

Sad to say, the majority of the House of Lords, no doubt influenced by war-time exigencies, upheld the Home Secretary's argument. But in a masterly judgment Lord Atkin dissented. His speech is now accepted as being correct and it is such a superb statement of the Rule of Law that I must quote from it. You will note how he harks back to the battles between King and Parliament

with which I began and you will note also his reference to Alice in Wonderland, an unusual authority to cite in a legal case.

“I view with apprehension the attitude of judges who on a mere question of construction when face to face with claims involving the liberty of the subject show themselves more executive minded than the executive. Their function is to give words their natural meaning, not, perhaps, in war time leaning towards liberty, but following the dictum of Pollock C.B. in *Bowditch v. Balchin* (1), cited with approval by my noble and learned friend Lord Wright in *Barnard v. Gorman* (2): “In a case in which the liberty of the subject is concerned, we cannot go beyond the natural construction of the statute”. In this country, amid the clash of arms, the laws are not silent. They may be changed, but they speak the same language in war as in peace. It has always been one of the pillars of freedom, one of the principles of liberty for which on recent authority we are now fighting, that the judges are no respecters of persons and stand between the subject and any

“When I use a word,’ ‘Humpty Dumpty said in rather a scornful tone, ‘it ‘means just what I choose it to mean, neither more nor ‘less.’ ‘The question is,’ said Alice, ‘whether you can ‘make words mean so many different things.’ ‘The question ‘is,’ said Humpty Dumpty, ‘which is to be master—that’s ‘all.’”

attempted encroachments on his liberty by the executive, alert to see that any coercive action is justified in law. In this case I have listened to arguments which might have been addressed acceptably to the Court of King's Bench in the time of Charles I.

I protest, even if I do it alone, against a strained construction put on words with the effect of giving an

uncontrolled power of imprisonment to the minister. To recapitulate: The words have only one meaning. They are used with that meaning in statements of the common law and in statutes. They have never been used in the Defense Regulations in the natural meaning, and, when it is intended to express the meaning now imputed to them, different and apt words are used in the regulations generally and in this regulation in particular. Even if it were relevant, which it is not, there is no absurdity or no such degree of public mischief as would lead to a non-natural construction.

I know of only one authority which might justify the suggested method of construction: “ ‘When I use a word,’ “Humpty Dumpty said in rather a scornful tone, ‘it “ ‘means just what I choose it to mean, neither more nor “ ‘less.’ ‘The question is,’ said Alice, ‘whether you can “ ‘make words mean so many different things.’ ‘The question “ ‘is,’ said Humpty Dumpty, ‘which is to be master—that’s “ ‘all.’ ” (“Through the Looking Glass,” c.vi.) After all this long discussion the question is whether the words “If a “man has” can mean “If a man thinks he has.” I am of opinion that they cannot, and that the case should be decided accordingly.”

Turning to Dicey’s second principle, again our record has been mostly good but there are ominous signs of problems ahead. Equality before the law and subjection of all to the jurisdiction of the ordinary courts have been faithfully preserved by our judges so far as they are able. But increasingly, Parliament has tended to create special tribunals to deal with specific areas of the law. Thus Immigration Tribunals or Industrial Tribunals are outside our ordinary court system. Sometimes Parliament provides a right of appeal from such tribunals to the High Court bring the cases back within the ordinary court system. However, increasingly Parliament has sought in the interests finality, speed and administrative efficiency to exclude recourse to the courts. Ouster clauses in acts of Parliament aimed at excluding such recourse have so far usually been side-stepped by the judges. Thus, in the leading *Anisminic* case

(1969), the court was faced with an action by a company aggrieved by a decision of the Foreign Compensation Tribunal. That tribunal was set up by Parliament to consider claims from those who had sustained loss as a result of assets being seized in a foreign country. The tribunal could make awards from a compensation fund. The statute creating the tribunal provided that its determinations could not be called into question in a court of law. In the *Anisminic* Case, the House of Lords held the tribunal had made an error of law of such a serious nature that it had ultra vires and its determination was therefore a nullity. So, the Rule of Law prevailed again but it was a close run thing. No doubt our judges will continue to assert the power of the courts to review judicial and administrative decisions so far as Parliament permits. But unlike your Supreme Court, even our highest court, the House of Lords, has no power to override Parliament or declare any statute unconstitutional. One way in which recently our judges have sought to exercise supervisory jurisdiction over executive and administrative decisions has been by taking advantage of a change in our rules of court to develop a body of administrative or public law. It has been done by enlarging the scope of the old prerogative orders of certiorari, mandamus, and prohibition and by granting declarations. It is now a fast growing area of our law and has proved an effective means by which the citizen can challenge decisions of central or local government and of many other public

“the adequate protection of fundamental human rights by the courts could at any time be undermined or curtailed by some emotional, irresponsible or ill-considered enactment by an all-powerful parliament which can, in the traditional phrase, do anything except make a man into a woman or a woman into a man.”

bodies. By this process of judicial review the judges exercise only a supervisory jurisdiction. They cannot substitute their own decisions on the merits, but they can and do see that decisions are made intra vires fairly and not perversely. Thus the decision of an inferior court can be quashed by certiorari if the court acts ultra vires; a local authority can be ordered by mandamus to carry out its statutory duty as highway authority or education authority; a declaration can be given that a minister’s interpretation of a statute is wrong; a decision of any public body can be struck down if it is perverse—that is to say, a decision which no reasonable body could in the view of the court have reached.

But is all this enough? Despite these developments by the courts and despite the vigilance of the opposition in Parliament and of the media, some jurists believe that the time has come to emulate your example and have a written Bill of Rights. Our constitution is unwritten. We have no entrenched clauses asserting basic inviolable rights. We have always been more concerned to provide remedies than to proclaim rights. The all-powerfulness of our democratically elected Parliament has great advantages and virtues. But, Lord Scarman, a leading proponent of a Bill of Rights points out “the adequate protection of fundamental human rights by the courts could at any time be undermined or curtailed by some emotional, irresponsible or ill-considered enactment by an all-powerful parliament which can, in the traditional phrase, do anything except make a man into a woman or a woman into a man. Today an enactment by Parliament means an enactment by the House of Commons, in practice. This in its turn means that a government which may have the support of only a minority of the electorate but a large majority in the House can force through legislation it desires. There is right now before our Parliament a good example of the sort of legislation which gives rise to anxiety. Clause 29 of a bill presently before Parliament would make illegal “the promotion of homosexuality by local authorities.” The impetus for this clause came from the discovery that in schools run by one or two labor-controlled local councils, a book entitled “Cathy

Lives with Brian and Eric” was being used by teachers to suggest that a menage in which a child was brought up by two homosexual adults was an acceptable alternative family unit. However, there is widespread dismay especially in literary and theatrical circles that this clause may be used and exploited much more broadly. It might result in plays being banned in local authority theaters or books being removed from library shelves. Even many who disapprove of the “Cathy” book and its use in schools see the clause as a sledge hammer to crack a nut. But all the indications are that the clause will become law. Lord Scarman and others would say that if we had a Bill of Rights entrenching certain basic liberties, then even Parliament could not change them without some very special procedure and a special majority which would be an insurance against ephemeral or partisan motives of the moment. One cannot help feeling for example that Clause 29 is subconsciously motivated in large part by the AIDS scare.

Now you of course have entrenched clauses. The Virginian Declaration of Rights of 1776 asserted that “all men are by nature equally free and independent and have certain inherent rights of which they cannot by any compact

“We in Britain have relied upon our judges, the Common Law and the moderation of our Parliaments to preserve our rights.”

deprive or divest their posterity.” The American Declaration of Independence in the same year affirmed “all men are created equal and are endowed by their Creator with certain inalienable rights.” Those statements were embodied in your Constitution of 1787. The Founding Fathers claimed they have precedents in British Constitutional Law both for their doctrine of separation of powers and for the Bill of Rights. But in fact they owed much also to the ancient precedents of the Greeks and the medieval schoolmen, their concept of natural law giving natural inalienable rights. We in Britain have relied upon our judges, the Common Law and the

moderation of our Parliaments to preserve our rights. All the great instruments of our history, Magna Carta, the Petition of Right, the Bill of Rights were essentially treaties between the Monarch on the one hand and some other power, the feudal lords or Parliament on the other. It is true that the Bill of Rights was given statutory form by the Act of Settlement but what Parliament has put in one Act it could alter or remove by another.

It is a tribute to the independence of our judiciary that our freedoms in Britain have been protected as well as they have. I have no doubt that, with the greatest respect for your system, our method of appointing judges is to be preferred. But when it comes to the

form of the Constitution, many thinkers in our country are coming to the view that we should learn from you—that we should have a Bill of Rights to secure our freedoms. What is certain is that our two countries are and will remain devoted and loyal to the Rule of Law. There is much in its history that we share in common. There is much we can learn from each other about how best to preserve it. I am grateful for this opportunity to compare our two systems and to celebrate your Law Day with you.

* Lord Justice Taylor of the Royal Courts of Justice of the Privy Council of England was the keynote speaker for the Law Day celebration at the Law School.



Worrel House in London hosts Wake Forest Law Students each summer.

Alumni News and Features

NCBA President E. James Moore Says Public Service Is On The Rise In North Carolina

Most people connected with the legal system are aware of the attorney's responsibility to perform public service, as mentioned in Rule 6.1 of the ABA Model Rules of Professional Conduct. A major promoter of public service in North Carolina is the North Carolina Bar Association. In a recent interview, the President of the NCBA, North Wilkesboro attorney, E. James Moore, an alumnus of Wake Forest, (BS '49, JD '51) talked about the programs that the NCBA has organized to meet the need for public service law in the state and how the NCBA serves the legal profession in general.

Moore described the functions of the three major programs undertaken by the NCBA to promote public service. The first is the Lawyer Referral Service, a favorite project of Moore which he said led to his involvement as an officer in the NCBA. This is a program which provides a toll-free number that low-income persons can call to receive information on the availability of low cost or free legal help in their areas.

A second program is called Lawyers of North Carolina, which consists of a group of attorneys who prepare pamphlets and brochures on legal matters for use by the general public. These materials are distributed at locations such as public libraries and legal aid offices to educate laymen on matters of legal significance.

The third program is pro bono legal assistance for indigent persons. Moore said that these programs, designed to provide free legal help to the poor, have served a great need in the cities and communities where they have been operating, but that expansion is needed to serve the parts of the state as yet untouched by pro bono service. He said that the NCBA receives IOLTA grants to help fund this program. IOLTA is a program run by the North Carolina

State Bar to distribute funds generated by the interest on lawyers' trust accounts for public service purposes.

Recent figures on pro bono work in the state obtained from an economic survey of 352 firms revealed an average of 41 hours of pro bono work per attorney annually, which comes out to about two pro bono cases per year. Currently, there are 1,765 attorneys involved in organized pro bono programs in the state. These programs cover areas where approximately 50 percent of the low-income persons in the state reside. Other attorneys not involved in organized programs do pro bono work on their own. Those attorneys interested in participating in pro bono programs or who wish to start one in their area of the state, should contact Linda Tucker at the NCBA office in Raleigh, NC 1-800-662-7407 (toll-free).

On the whole, Moore said that public service is on the rise in the state, especially in the referral service and pro bono areas.

As for service to the legal community, Moore said the main function of the NCBA is the Continuing Legal Education (CLE) programs that afford attorneys the opportunity to brush up on their skills or explore, along with other providers, including Wake Forest, new areas of the law. A new program now offered is the availability of computerized legal research terminals at bar centers in central locations in the state to aid attorneys in case preparation. The NCBA also provides news on the latest developments in the law and information of interest to North Carolina attorneys in publications like *Bar Notes*. Attorneys in the state can also join the sections offered by the NCBA, which concentrate on specialized areas of the law through publications and seminars. All of these programs are in addition to the social events sponsored by the organization.

By Dean Hollandsworth.



E. James Moore, President of the North Carolina Bar Association (at podium) and William K. Davis, President of the North Carolina Bar speak at Law School Orientation.

William K. Davis, President

William Kearns Davis, former President of the North Carolina Bar, feels that every attorney has an obligation to engage in some type of public service or pro bono work, whether it be for that attorney's school, church, community or the bar.

The North Carolina Bar has consistently encouraged pro bono work and has suggested that law firms give the same amount of credit for pro bono work as they give for work done for clients, within reason. Although Davis believes that law firms do not put enough emphasis on pro bono work because they are more concerned with billable hours, he does not believe that doing public service work should be required of all attorneys. "Public service work should be encouraged, not required or mandated. If it is taken to the point that it is mandated, it can become counter productive. Attorneys will just do the required amount. Today, attorneys are donating their time because they want to, not because they have to."

Davis points out that the preamble of the Rules of Professional Conduct is not silent to pro bono work. "The preamble says, in general, that a lawyer needs to be aware that the poor and those who cannot afford legal counsel are out there, and lawyers should devote some of their time and services to these people."

Davis credits a lot of his devotion to public service and pro bono work to his years at Wake Forest. "I've been lucky to be able to do public service work. I believe in it; and a lot of this came from Dean Carroll Weathers. He always emphasized public service. He never rested on that point. So, when I began to work, that was just part of practicing law."

Davis recently received the 1988 Distinguished Alumnus Award for Outstanding Service to the Profession presented by the Wake Forest School of Law Jurist at the Law Day festivities on March 25th.

By Donna Colberg.

Class Notes

1931

Charles Edward Johnson passed away on July 20, 1987.

1957

Howard Twiggs is presently serving on the Board of Governors of the American Trial Lawyers Association. He is Chairman of the Public Relations Committee. During 1987, he served as President of both the Wake County Bar Association and the 10th Judicial Bar Association.

1959

H.D. Coley (Chris) was elected President of Lawyers Mutual in July, 1987 after serving as General Counsel and Secretary since 1981.

1963

Ralph Adolphus Walker was appointed to a superior court judgeship in the 18th Judicial District of North Carolina by Governor Martin in October, 1987.

Fred G. Morrison, Jr. has completed 26 hours toward a Master of Divinity degree at Southeastern Baptist Theological Seminary in Wake Forest, NC by attending Thursday evening courses each semester since January, 1982.

1969

W. Fred Williams, Jr. joined the firm of Farris, Warfield & Kanaday of Nashville, TN on August 1, 1987 as a senior partner. He previously practiced with Dearborn & Ewing, also of Nashville, and worked with JDN Enterprises, Inc. developing shopping centers.

Sandy Nelson Weeks was elected Executive Vice President of Maryland National Bank in October, 1987. He is now the head of the bank's Real Estate Industries Group.

1975

Richard D. Sparkman is now President of Sparkman & Pleasant, PA

in Angier, NC. In November, 1987 he was board certified as a bankruptcy specialist by the North Carolina State Bar.

James W. Narron was board certified by the North Carolina Bar Association Board of Legal Specialization in Estate Planning and Probate Law in December, 1987.

E. Vernon F. Glenn, formerly a partner with Few & Glenn, has joined the firm of McCoy & Taylor as a partner. The firm name will now be McCoy, Taylor & Glenn.

1976

J.C. Hedgpeth II has been appointed Vice President of First Title Insurance Company. He will be in charge of the company's Piedmont Triad office in Greensboro.

Jim Edmonds and his wife Betsy are pleased to announce the birth of their third child, William Harding, on May 1, 1987.

1977

David G. Singleton is now Assistant University Counsel with Duke University handling matters involving commercial transactions and taxation.

Manes M. Merrit and his wife, the former Laura Scale, announce the birth of their first child, Benjamin Samuel, on May 22, 1987. He recently joined the firm of Feit & Ahrens in New York City as a partner specializing in employee benefits, and was previously associated with the firm of Patterson, Belknap, Webb & Tyler.

1978

Pamela Graer Peacock (now Pamela P. Griffin) married Ralph S. Griffin on August 2, 1986. In September, she began employment with CIGNA Corporation.

Leon E. Porter, Jr. has become a partner in the firm of Petree, Stockton & Robinson. His practice includes health law, anti-trust, intellectual property, and general business litigation.

Jim Blevins is a major in the US Army Reserve and currently serves as

Administrative Officer of the 3285th Army Reserve School in Charlotte. He is also the Mid-Atlantic Regional Claims Manager for Michigan Mutual Insurance Company.

1979

David F. Tamer and his wife announce the birth of twins, Andrew Tyson and Sara Elizabeth, on July 14, 1987.

1980

John W. Lassiter and his wife Beverly announce the birth of their second child, Alex Wolfe, on January 28, 1988.

Eric Evenson and his wife Donna announce the birth of their second child, Sarah Kristen, on November 25, 1987, weight 8lbs. 9ozs. Their son, John Eric Evenson III, is five years old.

Robert H. Hull, Jr. joined the Charlotte firm of Wray, Layton, Cannon, Parker & Jernigan, PA as a partner in December, 1987. He was previously with the firm of Murchison, Guthrie & Davis.

1981

Susan Surles has been an Assistant District Attorney in Alamance County Judicial District 15A since June, 1987.

Christopher C. Myers is now an attorney for Noble County in the State of Indiana.

Charles L. Morgan, Jr. (Chuck) and his wife Susan announce the birth of their second child, Courtney Allise, on October 1, 1987. Also, he has been made a partner with Wishart, Norris, Henninger & Pittman, PA.

Steven M. Sartorio has become a partner in the firm of Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan in Raleigh.

Fred M. Granum and his wife Patricia announce the birth of their second child, Mark Randel, on May 19, 1987. Their first child, Erik Michael, was born on March 11, 1985. Fred practices in the Portland, OR office of Garvey, Schubert & Barer.

Thomas P. Walk was married on May 2, 1987 to Jenny L. Alford. He is currently serving a two-year term as a member of the Board of Directors of the Association of Virginia Hearing Officers.

1982

W. Robert Turner III is the senior litigation associate in the Norfolk law firm of Knight, Dudley, Pincus, Dezern & Clarke, specializing in personal injury, products liability, medical malpractice, and general liability defense.

G. Rhodes Craver has become a partner in the firm of Newsom, Graham, Hedrick, Bryson & Kennon in Durham, NC.

Gerald F. Roach has become a partner in the firm of Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan of Raleigh.

1983

Cheryl Ellen Light and her husband Michael J. Searcy announce the birth of their son, Cameron Light Searcy, on September 26, 1987, weighing 7lbs 10 oz.

1984

Patrick F. Roche, Major, US Marine Corps, announces the birth of his third child, Claire Marie, on October 10, 1987.

R. Creigh Deeds and his wife Pam announce the birth of their second child, Rebecca Lewis, on July 12, 1987. Creigh was elected Bath County Commonwealth Attorney on November 3, 1987. The Deeds family resides in Warm Springs, VA.

David M. Warren (Dink), an associate with Poyner & Spruill, has been named to the Board of Trustees of Rocky Mount Academy. He is also serving as Smith Province Commander (North Carolina state-wide advisor) for Kappa Alpha Order. His wife, Jan D. Warren, is working in the administrative office of the Division of Mental Health for the State of North Carolina in Raleigh.

1985

Jim Pryor has been named a partner in the firm of Dorsey, Pryor & Bell, a municipal law firm representing four municipalities in New Jersey.

Kimberly S. Seman is now Corporate Counsel for Consolidated Rail Corporation. Her practice will be concentrated in the areas of environmental law and contracts.

Christopher F. Davis announces the birth of his first child, Mathew Christopher, on April 1, 1987.

Mary Helen Frederick is now a reporter for Virginia Business Magazine, a monthly, statewide business magazine.

Richard T. Fountain, III has become an associate with the firm of Faison, Brown, Fletcher & Brough.

Thomas C. Grella has recently begun work for McGuire, Wood & Bisette, PA of Asheville, NC. He is the Secretary-Treasurer for the Burke County Bar Association, a member of the State Advisory Board of the Christian Legal Society for 1987-88, and serves on the Professionalism Committee of the NC Bar Association Young Lawyers Division.

1986

R. Greg Bailey recently published two articles in SCOPE, a group marketing publication, entitled "Non-Discrimination Rules For Employee Benefits Under Federal Income Tax Laws" and "The Continuation of Group Health Coverage For Qualified Persons-COBRA". He serves as General Counsel to the group marketing department of Shenandoah Life Insurance Company.

Nick Ellis & Susan Kuhn Ellis ('87) were married in May, 1987 and are both associates with Ward and Smith, PA in New Bern, NC.

1987

Pattie Sue Cartwright announces her engagement to Capt. Dan Grymes of Mt. Airy, NC. The wedding will be held in Reynolda Gardens in Winston-Salem on July 2, 1988. She opened a solo practice in downtown Raleigh in January, 1988.

Catherine E. Thompson married Brian F. Rockermann on December 19, 1987. They "honeymooned" in Barbados.

Ashley Simmons Rusher married Derwood H. Rusher, II (Wake Forest undergrad '77) on August 15, 1987.

Emily W. Streett has become an associate in the Washington, DC office of Heron, Burchette, Ruckert & Rothwell.

Kelly Ann Mathews has been named an associate attorney with the Atlanta law firm of Hansell & Post.

1988 Graduates

Amy Beth Angert
 Shirley Herman Anthony
 W. Alexander Audilet
 David Gregory Balmer
 Neil Douglas Beach Jr.
 Lisa Carol Bland
 Steven Hunter Bouldin
 Daniel Kent Bryson
 Michael Leo Burton
 Elizabeth Jeannette-Marie Caldwell
 Dawn Callaway
 Edith Scott Carell
 David S. Coats
 Stephen Warren Cole
 Gregory Donald Conforti
 David P. Coss
 April Dawn Cripps
 Mary Louise Nowell Crisp
 Jeffrey Lloyd Crook
 Derek Morgan Crump
 Robert Jason D'Cruz
 Dawn D. Daggett
 Paige Bright Dalton
 Pamela O'Brien Dannals
 Rodney Brawley Davis
 Angela Lynn DeMent
 Elizabeth Ann Denning
 Tami Jo Diamond
 Charles Frederick Diehl
 Samuel Bobbitt Dixon
 Robert Clifton Dodge
 Kevin R. Donovan
 Marshall Fulton Dotson III
 George Walker Douglas
 Mark Livingston Drew
 Brian Mark Dubuc
 David Richard Eastman
 Paul Stuart Edwards
 R. Harding Erwin Jr.
 Terrence N. Evans
 A. Lynn Farley
 Jewel Ann Farlow
 Michael Gregory Ferguson
 Marjorie Lynne Foley
 Robin Shea Foreman
 Karl Frederick Frantz
 William Thomas Fray
 Elizabeth Fagan Funck
 Donald Richard Gattalaro
 Frank J. Gordon III
 Janet Lee Gupton
 Sandra Studier Hamilton
 Jennifer Ann Hansel
 Mary J. Healey
 Ray Kenneth Helms Jr.
 Catherine Gross Hendren
 Virginia Pettingell Henschel
 James Pierce Hill Jr.
 Todd Matthew Hilten
 Walter Rickert Hinnant
 Joseph S. Hoppock
 David J. Irvine Jr.
 Stephanie Bureh Irvine
 J. Lawrence Irwin
 Debra Ragin-Jessup

Chicago, IL
 Hickory, NC
 Alexandria, VA
 Charlotte, NC
 Lenoir, NC
 Winston-Salem, NC
 High Point, NC
 Julian, NC
 Livonia, MI
 Myrtle Beach, SC
 Nashville, TN
 Nashville, TN
 New Orleans, LA
 Daytona Beach, FL
 Chicago, IL
 Farmingdale, NY
 Lansing, MI
 Greenville, NC
 Albemarle, NC
 Jamestown, NC
 Chadds Ford, PA
 Boone, NC
 Kernersville, NC
 Statesville, NC
 Charlotte, NC
 Raleigh, NC
 Northville, MI
 Northbrook, IL
 Raeford, NC
 Edenton, NC
 Burlington, NC
 Morristown, NJ
 Jacksonville, NC
 Winston-Salem, NC
 Macclesfield, NC
 Savannah, GA
 Akron, OH
 Midland, MI
 Lenoir, NC
 Murfreesboro, NC
 Charleston, WV
 Greensboro, NC
 Waynesville, NC
 Charlotte, NC
 Winston-Salem, NC
 Wellsboro, PA
 Fairfield, CT
 Jeffersonville, IN
 Rochester, NY
 Raleigh, NC
 Durham, NC
 Mt. Clemens, MI
 Lancaster, OH
 Miami, FL
 Monroe, NC
 Winston-Salem, NC
 Mechanicsburg, PA
 Asheboro, NC
 Orland Park, IL
 Kings Mountain, NC
 Oceanport, NJ
 Windsor, NC
 Windsor, NC
 Gorham, ME
 Winston-Salem, NC

Michaelisa Tomasic Johnson
 Lawrence Warren Jones
 Todd Douglass Jones
 Robert David Joseph
 James Harry Joyce III
 Kimberly Sue Kauffmann
 Karen Leigh Keiger
 Robert James King III
 Warren Keith Lail
 Rosetta Baker Lane
 John David Lewis
 Michael Coghlan Lord
 Cynthia Ann Jordan Lowery
 Charles Douglas Maynard Jr.
 Daniel John Mazella
 Lisa G. McCoy
 David P. McDevitt
 Peter Robert McGrath
 Thomas Edward McNeill
 Mark Ordway McSwain
 Jeffrey William Melcher
 Mary Elizabeth Morgan
 William J. Morrison
 Elizabeth Robina Morriss
 Lauren Ann Murphy
 Willie Lee Nattiel Jr.
 Michael James Newman
 Susan Janet Norris
 Brendan Paul O'Hara
 Wilson Henry Oldhouser III
 Betty Luceta Parker
 Robert Wayne Parker
 Rodney Jay Peterson
 Lisa Michele Pettyjohn
 Robert Eric Probst
 Nathaniel Pinyerd Proctor
 Michael John Provan
 James Anthony Purdy
 John Frederick Ramey
 Cecile l'Ans Catherine Reeder
 Jennifer Victoria Reinhardt
 Joel Robert Rhine
 Steven D Rich
 John A. Richardson III
 Karen Andrea Roboz
 Pete Rotatori III
 Steven Allen Rowe
 Kari Lynn Russwurm
 Frederick Newman Sager Jr.
 Carl A. Salisbury
 Eric Franklin Schell
 Ann Frances Mellette Shaver
 Robert Vickers Shaver Jr.
 Lance Bretton Sigmon
 Polly D. Sizemore
 Amy Konides Smith
 Marc Kevin Smith
 Thomas A. Spillman
 Gregory McFadyen Spivey
 Robert J. Stovash
 Guy Thomas Strandemo
 Mary Beth Berrang Swecker
 John Newton Taylor Jr.
 Frederick A. Thomas
 Daniel Lee Timberlake
 Holly F. Underwood
 Patrick George Vale
 Mark Douglas Vaughn
 Nancy Elizabeth Walker
 Jerry McLain Wallace Jr.
 Hallett Sydney Ward III
 Kathleen Weisskopf

Cleveland Heights, OH
 Greenville, NC
 Muncie, IN
 Greensboro, NC
 Stuart, VA
 Ferndale, MI
 Winston-Salem, NC
 Charlotte, NC
 Charlotte, NC
 Pfafftown, NC
 Jefferson, NC
 Tabernacle, NJ
 Charleston, SC
 Winston-Salem, NC
 Lothian, MD
 Huntington, WV
 Farmington Hills, MI
 Birmingham, MI
 Raeford, NC
 Kings Mountain, NC
 Augusta, GA
 Buies Creek, NC
 Tampa, FL
 Wilson, NC
 Bahama, NC
 Newberry, FL
 Hendersonville, NC
 Houston, TX
 Alexandria, VA
 Sumter, SC
 Raleigh, NC
 Newport News, VA
 Stanton, MI
 Winston-Salem, NC
 Reisterstown, MD
 Big Rapids, MI
 Atlanta, GA
 Columbus, OH
 Dallas, TX
 Raleigh, NC
 North Wilkesboro, NC
 Houston, TX
 Canton, CT
 Charlotte, NC
 Weddington, NC
 Litchfield, CT
 Vienna, VA
 Apex, NC
 Danville, VA
 Winston-Salem, NC
 Winston-Salem, NC
 Charleston, SC
 Danville, VA
 Conover, NC
 Greensboro, NC
 Winston-Salem, NC
 Greensboro, NC
 Winston-Salem, NC
 Sanford, NC
 Pittsburgh, PA
 Mahanomen, MN
 Waynesboro, VA
 Tarboro, NC
 Glastonbury, CT
 Lexington, NC
 Owosso, MI
 Seattle, WA
 Western Springs, IL
 Charlotte, NC
 Buies Creek, NC
 Washington, NC
 Springfield, MO

Congratulations 1988 Graduates

Helen Elizabeth Weller
Kathryn Clark Wells
Christopher Joseph Werte
Laurel May Whitehouse
Jarrel Lee Wigger
Charles Mark Wiley

Winston-Salem, NC
Winston-Salem, NC
Avenel, NJ
Wheeling, WV
Anderson, SC
High Point, NC

June Carol Williams
Scott R. Williamson
Linda Adams Wohlbruck
Roberta Ann Wood
Louis Ernest Wooten III

Reidsville, NC
Winston-Salem, NC
Charlotte, NC
Schofield, WI
Raleigh, NC

Conferred December 15, 1987

Plato Collins Barwick III
Craig Alan Coxen
Deborah Long Edwards
John Herbert Griffing
Aleta Buchanan Kiser

Kinston, NC
Ijamsville, MD
Winston-Salem, NC
Winston-Salem, NC
Clintwood, VA

Larry Donnell Little
Clifton Merritt Mount
Ellen Darlene Fairfield Parsons
Mary Jane Turner
Joseph VonKallist

Winston-Salem, NC
Bethesda, MD
Fairfax, VA
Winston-Salem, NC
Pittsburgh, PA



Congratulations 1988 Graduates



Congratulations 1988 Graduates



WHAT'S NEW? *Wake Forest Jurist* would like to hear from all alumni about any new developments in your life. Kindly take a few moments to fill out the form below and return it to *Wake Forest Jurist*. It is self-addressed for your convenience.

Name: _____ Year of Law School Graduation: _____

Business Address: ☐ (check if new address) _____

Home Address: ☐ (check if new address) _____

Brief description of law practice or business: _____

Public offices, professional, and civic honors with dates: _____

Personal items of current interest: (i.e. marriage, birth of child) _____

PLACE
STAMP
HERE

Wake Forest Jurist
Wake Forest University School of Law
P.O. Box 7206
Winston-Salem, N.C. 27109-7206

To the Faculty and Friends of the Law School:



Dean John Scarlett announced his retirement as dean of the law school, effective June 30, 1989. During the last decade Dean Scarlett has provided stable leadership for an aspiring law school program. Through the development and implementation of the 440 Plan he has secured a bright future for legal education at the University. During his tenure new programs in clinical education, continuing legal education, and computer-assisted instruction have flourished. The faculty has grown. Admissions standards have risen. Faculty research and scholarship have improved. The resources and alumni support of the law school have never been stronger.

Fresh challenges lie ahead for a new dean as we build upon this solid foundation. The University will soon launch a national search for an architect to design new and enlarged facilities to house the law and graduate management programs. A distinguished faculty chair in law must be filled. In the coming years we will also begin to explore the potential for further interdisciplinary cooperation between the professional schools.

These ventures require our earnest commitment to the recruitment of capable, innovative, and energetic leadership for the law school. Toward that goal I have appointed a Dean Search Committee consisting of Associate Dean Kenneth Zick, Professors Rhoda Billings and Miles Foy, Mr. William K. Davis, alumnus and member of the Law Board of Visitors, Vice President Leon Corbett, and Dean Thomas Taylor. Dean Zick will chair the committee. Work will begin immediately. The committee will be assisted by a national consulting group, headed by Dean David Link of Notre Dame University School of Law, and William Straughan, formerly of the American Bar Association and Wake Forest. I know that the committee can expect your support in the important task ahead.

Faculty, staff, students and alumni can take pride in the progress and accomplishments of the law school in the last few years. The law school is a strong and productive partner of the University community and the legal profession. As we advance toward the celebration of the school's centennial in 1994, our expectations for its continued growth and prominence rise.

Sincerely yours,

Thomas K. Hearn, Jr.

Applications and nominations should be sent to:

Dean Search Committee
Wake Forest University
P.O. Box 7656, Reynolda Station
Winston-Salem, North Carolina 27109

An Affirmative Action/Equal Opportunity Employer.

Remaining 1988 Continuing Legal Education Schedule

Criminal Trial Practicing Institute

6.5 MCLE Credit Hours (.5 ethics)
July 1
Asheville, NC
Grove Park Inn
(video; portions live)

Eighth Annual Review, North Carolina

12 MCLE Credit Hours
(includes 2 MCLE Ethics Credit
Hours)

September 9-10
Raleigh, NC
McKimmon Center
(live)

September 23-24
Charlotte, NC
Sheraton Airport Plaza Hotel
(live)

October 7-8
Winston-Salem, NC
Sheraton North Hotel
(live)

October 21-22
Asheville, NC
Grove Park Inn
(live)

Practical Skills Course

9 MCLE Credit Hours

A Practical Skills Course will be sponsored in the fall of 1988. Dates and locations will be announced later. The Practical Skills Course will address those subjects and tasks most frequently encountered by young practitioners, whether as a sole practitioner, a member of a small firm or a member of a large firm. The course is being designed to compliment and round out the Wake Forest School of Law core mandatory continuing legal education curriculum.

A Complete Curriculum For Mandatory CLE

Members of the North Carolina State Bar may satisfy their annual mandatory continuing legal education requirements by attending each year the 12 hour Annual Review course which includes 2 hours of ethics and by attending once every 3 years the 3 hour Professional Responsibility and Ethics Symposium. Newly admitted attorneys may satisfy their annual MCLE practical skills requirement by attending the 9 hour Practical Skills Course mentioned above.

For more information, please call Wake Forest School of Law Continuing Legal Education at (919) 761-5560.

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